

**MINUTES OF THE  
PEACE OFFICER STANDARDS  
AND TRAINING BOARD  
QUALITY INN  
BISMARCK, NORTH DAKOTA  
DECEMBER 9, 2020**

**MEMBERS PRESENT**

Tom Falck  
Lyn James  
Dan Haugen  
Jason Ziegler  
Joe Cianni  
John Klug  
Erik Dietrich  
Paul Lies  
Jesse Jahner

**GUESTS**

Russ Shahin  
Allen Koppy  
Chris Redman  
Beth Kohler  
Mike Geiermann  
Mike Kapella  
Gabrielle Goter  
Andrea Benitz  
Jason Bier  
Alysia La Counte  
Mark Gaddis  
Dave Draovitch  
John Lahr  
Mike Bolme  
Jenna Clawson-Huibregtse  
Jesse Welstad  
Patrick Haug

**ADMINISTRATIVE STAFF**

Monica Sebastian  
Duane Stanley

**MEMBERS ABSENT**

**LEGAL COUNSEL**

Mike Mahoney

Chairman John Klug called the meeting to order at 1:00 p.m. Duane Stanley took the roll. All members were present except Paul Lies. It should be noted that Lyn James, Tom Falck and Erik Dietrich were present through Teams meeting. Paul Lies joined the meeting at 1:03 p.m. through Teams. It should be noted there were numerous other individuals present as guests through the Teams meeting platform.

POST Board member Jason Ziegler recused himself at 1:01 p.m.

**POST Board Hearing – Beth Kohler (20-012) 1:02 p.m.**

Chairman Klug addressed the Board and gave an overview of the case and swore in all potential witnesses. A short synopsis follows.

Mandan PD sent in a termination form for Beth Kohler that listed “other termination”. In the explanation, it stated that Kohler was the subject of an internal investigation for untruthfulness at the time and she turned in her letter of resignation.

On September 15, 2020, it is alleged that Kohler provided an untruthful statement to her supervisor. This statement was regarding events on September 15, 2020, informing her supervisor that she was sleeping when she had missed several phone calls from the Deputy Chief when she was actually at Walmart. September 15, 2020 was Kohler’s day off and she was not on call. Kohler stated that she informed her supervisor that she took a nap earlier but never stated she was sleeping when the phone calls came in.

Lt. Pat Haug addressed the Board going into detail regarding the internal investigation conducted by the Mandan Police Department.

Beth Kohler addressed the Board. Officer Andrea Benitez made a statement to the Board. Allen Kopyy was an unsolicited witness and addressed the Board on behalf of Ms. Kohler. Mike Geiermann, legal counsel for Ms. Kohler also addressed the Board.

**Motion**

Dan Haugen made a motion that Beth Kohler did not violate the code of conduct, section 109-02-05-01 (4e) and her actions have no bearing on her ability to serve as a police officer. Joe Cianni seconded the motion. All in favor, motion carried.

It should be noted that Jason Zeigler returned to the meeting at 1:41 p.m.

**POST Board Hearing – Dean Danzeisen (20-011) 1:44 p.m.**

Chairman Klug provided an overview of the case.

Dean Danzeisen was arrested for driving under the influence on January 24, 2020. On October 23, 2020, Danzeisen entered a plea of guilty to the charge of Driving Under the Influence, a Class B Misdemeanor. The Board had before them the Criminal Judgement from Case Number BI-2020-CR-00283 in which Mr. Danzeisen pled guilty to DUI.

Chris Redmann, Mr. Danzeisen’s legal counsel addressed the Board on Danzeisen’s behalf.

**Motion**

Dan Haugen made a motion that Dean Danzeisen Christensen did violate the Peace Officer Code of Conduct specifically 109-02-05-01(4c) and that Mr. Danzeisen’s conduct has a direct bearing on his ability to perform peace officer duties. Paul Lies seconded the motion. All in favor, motion carried.

### **Motion**

Dan Haugen 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 Mr. Danzeisen's peace officer license. Board members discussed suspension and probation of Mr. Danzeisen's license.

### **Motion**

Tom Falck made a motion to suspend Dean Danzeisen's license for two weeks and that he be placed on probation to run concurrent with the court order of October 21, 2021 starting October 20, 2020. Lyn James seconded the motion. All members voted no; motion failed.

### **Motion**

Dan Haugen made a motion that Dean Danzeisen receive probation and that it end October 23, 2021 and to include two weeks suspension of his Peace Officer License beginning December 10, 2020 concluding December 25 2020, and that he does not violate the Peace Officer Code of Conduct or have any criminal violations during his time of probation. Paul Lies seconded the motion. All in favor, motion carried.

### **POST Board Hearing – David Stewart (20-010) 2:12 p.m.**

Chairman Klug gave a brief overview of the case and swore in potential witnesses.

A citizen complaint was sent to the POST Board stating that David Stewart had been drinking alcohol during work hours on May 19, 2020. Stewart was confronted about drinking on the job from his supervisor and Stewart immediately admitted that he had been. On May 29, 2020, Stewart was issued a letter of caution from his agency.

Sgt. Mike Bolme was present and addressed the Board regarding the internal investigation the Bismarck Police Department conducted. Chief Dave Draovitch was also present and made a statement to the Board and answered questions.

### **Motion**

Jesse Jahner made a motion that David Stewart did violate the Peace Officer Code of Conduct specifically 109-02-05-01(4a) and that Mr. Stewart's conduct has a direct bearing on his ability to perform peace officer duties. Dan Haugen 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. Dan Haugen seconded the motion. All in favor, motion carried.

There was discussion by board members regarding a possible sanction of Mr. Stewart's peace officer license. Board members discussed suspension and probation of Mr. Stewart's license.

## **Motion**

Jesse Jahner made a motion that David Stewart serve a two-day suspension and a year probation starting December 9, 2020. Paul Lies seconded the motion. Jason Ziegler and John Klug voted no, all other members voted yes, motion carried.

## **Old Business**

### **Tribal Law Enforcement Authority**

At the August 5, 2020, regular POST Board meeting, Trooper Jenna Clawson- Huibregtse appeared in front of the Board explaining the current language in N.D.C.C. § 12-63-02.2 and asking for the Boards support in rewriting the statute to better clarify the ability of state agencies and tribal police to assist one another across jurisdictional boundaries for mutual aid. The Board supported this idea was in favor of moving forward with a language change to clarify this issue.

Clawson-Huibregtse appeared in front of the Board providing an overview of the current draft legislation and explaining the changes. Legal Counsel for the Turtle Mountain Band of Chippewa Indians Alysia LaCounte addressed the Board in person regarding this legislation. Scott Davis and Roger White from MHA Nation where on the call and made statements to the Board regarding the proposed legislation.

## **Motion**

Dan Haugen made a motion that the ND POST Board support the proposed bill as written. Jason Ziegler seconded the motion. All in favor motion carried.

Chairman Klug called for a short recess at 3:08 p.m.  
Chairman Klug called the meeting back to order at 3:15 p.m.  
It should be noted the recording was not activated until 3:20 p.m.

### **Reserve Officer Sub Committee Report**

Jesse Jahner went over the proposed bill regarding reserve officers. Board members had discussion on the bill. On 12-63-02.3 #3, which states: "A criminal justice agency may appoint reserve licensed peace officers to supplement and assist licensed peace officers. A criminal justice agency may not use reserve licensed peace officers unless the reserve licensed peace officers act under the direct or indirect supervision of a licensed peace officer designated by the criminal justice agency." The board recommended taking out the words "direct or indirect."

### **Computerized POST Test**

Dan Haugen and Executive Secretary Stanley updated members of the Board on the fact the new computerized POST test had been given at all three academies and was going well.

### **Adverse Action Update – Alex Cogdill**

At the August 5, 2020, meeting, Executive Secretary Stanley relayed to the Board that an Order of Suspension was sent out to Alex Cogdill Certified Mail Registered Receipt on July 10 but was returned. Executive Secretary Stanley stated that he received a call from an attorney asking how one would surrender a peace officer license. A Criminal Judgment is on file dated August 19, 2020 where Mr. Cogdill plead guilty to Fornication, a Class A Misdemeanor. On September 14, the office received Mr. Cogdill's peace officer license in the mail. There was discussion by Board members to revisit the matter as directed in the Suspension Order since the criminal case was completed.

### **Motion**

Dan Haugen made a motion to revoke Alex Cogdill's license. Paul Lies seconded the motion. All in favor, motion carried.

### **Adverse Action Update – Shealeen Hillerson**

Executive Secretary Stanley relayed to the Board that an Order of Suspension was sent out to Shealeen Hillerson Certified Mail Registered Receipt on July 10. The document was signed for on July 17.

### **Adverse Action Update – Ryan Welsh**

Executive Secretary Stanley relayed to the Board that at the October 7, 2020, special meeting, Ryan Welsh's license was suspended until the outcome of Welsh's criminal case.

### **Adverse Action Update – Alixandria Brummit**

Executive Secretary Stanley relayed to the Board that at the October 7, 2020, special meeting Alixandria Brumitt's Peace Officer Limited License was revoked.

### **Adverse Action Update – David Christianson**

At the August 5, 2020, regular meeting David Christianson's license was suspended until the outcome of Mr. Christensen's criminal case and the Board would revisit this matter at that time. Executive Secretary Stanley stated that Christianson did not show up for court and there are active warrants out for his arrest.

### **Funding Request**

The Bismarck Police Department is asking for \$18,000 for a training titled "Evidence Based Interview and Interrogation." The training dates have not been set yet. Lt. Haugen provided the Board an overview of the training request.

### **Motion**

Paul Lies made a motion to approve "Evidence Based Interview and Interrogation" for \$18,000. Lyn James seconded the motion. All in favor, motion carried.

## **Funding Request**

The West Fargo Police Department is asking for \$7,500 for a training titled “K-9 Defense Bite Building and Scenario’s.” The course will be held in May 24-26, of 2021. Lt. Haugen provided the Board an overview of the training request.

## **Motion**

Paul Lies made a motion to approve the “K-9 Defense Bite Building and Scenario’s” for \$7,500. Jesse Jahner seconded the motion. All in favor, motion carried.

## **Reinstatement of License – Russell Shahin**

On August 21, 2019, the POST Board revoked Russell Shahin’s license. Shahin pled guilty in Williams County Court in Case No. 53-2018-CR-01928 to Driving Under the Influence of Alcohol. Shahin’s revocation time period was served and Shahin came in front of the Board asking for his license to be reinstated. Executive Secretary Stanley gave an overview of the steps Shahin had taken to this point to renew his license and the fees that had been payed and that fees that were still outstanding. Shahin provided a statement and answered numerous questions from the Board.

## **Motion**

Dan Haugen made a motion that the Board allow reinstatement of Russell Shahin’s license pending he meets all requirements stated in 109-02-02-13 by the expiration of Shahin’s licensing period. Jason Ziegler seconded the motion. Paul Lies voted no. All others voted yes; motion carried.

## **Limited License – Travis Carlson**

Travis Carlson has his license revoked in May of 2014. He did not go through the process in North Dakota to have his license reinstated or pay the required reinstatement fee. Mr. Carlson’s license expired December 31, 2014.

Mr. Carlson moved to a different state after his license expired in North Dakota. Mr. Carlson worked in law enforcement in South Dakota and kept up his Minnesota license. Mr. Carlson moved back to North Dakota and got hired with Benson County. Benson County sent in application paperwork for a limited license. Based on Mr. Carlson’s past revocation, the Board requested he appear.

Jesse Walstad, legal counsel for Mr. Carlson was present and addressed the Board. Mr. Carlson was sworn in and made a statement and answered questions from the Board.

It should be noted that Lyn James left the meeting at 4:21 p.m.

It should be noted that Lyn James returned to the meeting at 4:36 p.m.

## **Motion**

Dan Haugen made a motion to grant Travis Carlson his limited license pending all requirements are met and that he needs to attend the next available reciprocity course. Jason Ziegler seconded the motion. Paul Lies, Joe Cianni voted no. Lyn James abstained. All others voted yes; motion carried five to three.

## **Law Enforcement Hiring Reform**

Sgt. Kylan Klauzer, Dickinson PD, talked to the Board about law enforcement hiring reform. Sgt. Klauzer stated he was looking to see if the Board would support a language change in statute to give the Board authority to monitor conditional offers of prospective employees for agencies. Sgt. Klauzer relayed this would possibly entail some type of database or repository for this type of information. Sgt. Klauzer relayed the benefits to smaller agencies. There was lengthy debate from Board members on the logistics and implementation of this practice. There was consensus that this was a good idea. There was also discussion on the possibility that this could be done in the CJIS application. During this discussion, Executive Secretary Stanley relayed a question that A/G Stenehjem wanted asked of the Board, if in fact the Board wanted that authority. Once again, the consensus was that it was a good idea but discussion focused around the applicability of this being accomplished through the CJIS application.

It should be noted that Paul Lies left the meeting at 5:01 p.m.

## **Uniformity at Academies when Students Fail a Block of Instruction**

Lt. Dan Haugen brought up how the LETA and Lake Region teach the same curriculum for the Basic Law Enforcement Academy but there are differences in how each academy handles an individual who fails a portion of the curriculum or has an injury. Lt. Haugen explained how these scenarios are addressed at the LETA as a recruit who is hired by an agency. Lloyd Halvorson and John Maritato addressed the Board and explained their process as it relates to a student attending Lake Region Community College. After discussion, the Board decided to leave things as they are currently handled at each respective academy.

Chairman Klug called for a short recess at 5:25p.m.

Chairman Klug called the meeting back to order at 5:36 p.m.

## **Highway Patrol Letter**

Colonel Brandon Solberg sent a letter to the POST Board for discussion outlining the following topics of virtual training, four-year course approvals for established training, and electronic forms processing.

In the letter, Col. Solberg talked about virtual training and interactive training compared to online training where there is no instructor interaction. This subject was brought up at an earlier meeting and the Board agreed at that time to not count training conducted online where there is interaction with an instructor as online training. Co. Solberg would like this to be reflected in the Administrative Rules. There was discussion by staff on how there have been agencies that have contacted the office and have their own definitions of what interactive means. There was consensus that this will need to be addressed and defined in Administrative Rule.

It should be noted that Lyn James left the meeting at 5:48 p.m.

In the letter, Col. Solberg discussed well-established trainings/conferences being pre-approved having one course number and information submitted for the course after the training. Executive Secretary Duane Stanley brought up the issues himself and Monica Sebastian are currently having in obtaining information on a course after the individual attends the course. They are routinely unable to get certificates or any official document stating that officers did attend certain trainings. This occurs when the course is already pre-approved. It was also brought up that if certain courses are pre-approved and Executive Secretary Stanley and Monica Sebastian have to review each individuals paperwork as suggested to determine the hours one would receive, they would end up looking at one course multiple times depending on how many people attended and this would be very time consuming for them instead of looking at the training/conference/syllabus one time and approving the course.

The Board and staff agreed with the idea of automating data entry.

### **Academy Waiver**

The Nelson County Sheriff sent in a letter asking that his new hire, Kurt Schwind, be approved to attend the May 2021 Lake Region Academy instead of the February 2021 Academy at the LETA in Bismarck because of family hardship.

### **Motion**

Jason Ziegler made a motion to grant the waiver to attend the Lake Region Basic Training in May 2021 for Kurt Schwind. Erik Dietrich seconded the motion. Dan Haugen voted no. All others voted yes; motion carried.

### **Performing Peace Officer Duties Without a License**

Executive Secretary Duane Stanley relayed to the Board circumstances where an individual has been hired by an agency and that new employee has been performing peace officer duties without a limited license. Typically, the new employee is just following their supervisor's direction not realizing that they are committing a Class B Misdemeanor and there is no sanction for the administrator. After discussion, Executive Secretary Stanley will put a reminder on the POST Board website that it is the responsibility of the Chief/Sheriff to not allow individuals to perform peace officer duties without a license and that it is a Class B Misdemeanor.

### **POST Board Hearing – Shannon Slunecka (20-009) 6:20 p.m.**

Shannon Slunecka was a recruit with a limited license and enrolled at the September academy in Bismarck. On October 27, 2020, Lt. Haugen, Director of the LETA, dismissed Slunecka from the academy for dishonesty, a rule violation, and cheating.

Lt. Haugen provided an overview of the incident as follows:

On October 23, 2020, Slunecka failed her weekly exam. Lt. Haugen gave Slunecka one more chance to pass the weekly exam. The room where the exam was done was video and audio



recorded. During the exam it was noticed that Slunecka had an iPhone ear bud in her ear. During this time, Slunecka began reading every question on the exam out loud, including the answers.

On October 27, 2020, Lt. Haugen and the training sergeant confronted Slunecka. Slunecka's answers conflicted with what was on the video. When Lt. Haugen brought that up, Slunecka changed her answers to match what was on the video.

### **Motion**

Jesse Jahner made a motion that Shannon Slunecka did violate the Peace Officer Code of Conduct specifically 109-02-05-01(4e) and that Slunecka's conduct has a direct bearing on her ability to perform peace officer duties. Joe Cianni seconded the motion. All in favor, motion carried. Dan Haugen abstained.

### **Motion**

Jesse Jahner made a motion to start adverse action in accordance with NDCC 12-63-12. Joe Cianni seconded the motion. All in favor, motion carried. Dan Haugen abstained.

There was discussion by board members regarding a possible sanction of Slunecka's limited peace officer license. Board members discussed revocation.

### **Motion**

Jesse Jahner made a motion to revoke Slunecka's limited license beginning October 27, 2020. Jason Ziegler seconded the motion. All in favor, motion carried. Dan Haugen abstained.

### **POST Board Hearing – Scott Warzecha (20-013) 6:35 p.m.**

On November 18, 2020, the POST Board received a termination form for Scott Warzecha from the Mandan PD. The cause of termination stated that Warzecha was terminated after being charged with Use of a Minor in a Sexual Performance (Class A Felony) and two counts of Surreptitious Intrusion (Class C Felony) based on allegations that Warzecha hid a cell phone and video recorded a minor child undressing and showering.

Chairman Klug gave a brief overview to the Board and explained the charging document.

### **Motion**

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

### **Motion**

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

There was discussion by board members regarding a possible sanction of Warzecha's license. Suspension until the court case is adjudicated and the Board revisiting the matter was discussed.

### **Motion**

Dan Haugen made a motion that Scott Warzecha's peace officer license be suspended until the court case is adjudicated and the Board will revisit the matter at that time. Joe Cianni seconded the motion. All in favor, motion carried. Jason Ziegler abstained.

### **Meeting Minutes**

Minutes were reviewed from the August 5, 2020, regular meeting, the September 28, 2020, special meeting and the October 7, 2020, regular meeting.

### **Motion**

Chairman John Klug asked if there were any corrections to be made. Hearing none, Chairman Klug approved all three dates of meeting minutes as noted by the Executive Secretary

### **2021 Budget**

Executive Secretary Duane Stanley went over the proposed 2021 budget. Executive Secretary Stanley stated because of proposed budget cuts the general fund training appropriation should have been listed at \$85,000 instead of \$100,000. The other change noted by Executive Secretary Stanley would be in expenses under miscellaneous, where the figure should be \$20,000 instead of zero. This would represent a potential transfer of funds from checking to savings during 2021.

### **Motion**

Chairman John Klug asked if there were any other corrections to be made. Hearing no other corrections, Chairman Klug approved the 2021 budget as amended by the Executive Secretary.

### **Financial Report**

Executive Secretary Stanley explained the report.

### **Motion**

Chairman John Klug asked if there were any corrections to be made. Hearing none, Chairman Klug approved the financial report as noted by the Executive Secretary.

### **Meeting Dates for 2021**

Duane Stanley suggested the following dates for the 2021 regular POST Board meetings: February 10, May 12, August 11, and December 8. Board members agreed to those dates.

## **Special Meeting Dates for 2021**

Duane Stanley recommended dates for the 2021 special meetings if needed: March 31, June 16 and October 6 were agreed upon by the Board.

## **Executive Session**

Chairman John Klug explained to the Board that the next item on the agenda was to be discussed in executive session. Chairman Klug provided the authority for going into executive session by citing N.D.C.C. § 44-04-19.1 and 44-04-19.2.

Present at the executive session were John Klug, Paul Lies, Dan Haugen, Lyn James, Erik Dietrich, Jesse Jahner, Joe Cianni, Tom Falk, Jason Ziegler, Mike Mahoney, Duane Stanley, and Monica Sebastian.

## **EXECUTIVE SESSION BEGINS AT 6:50 p.m.**

### **Motion**

Dan Haugen made a motion to move to executive session. Jason Ziegler seconded the motion. All in favor, motion carried.

## **EXECUTIVE SESSION ENDED AT 7:05 p.m.**

Chairman Klug called the regular meeting back into session at 7:08 p.m.

## **Items from the Members**

There were no items from the members.

### **Motion**

Chairman John Klug asked if there was any further business. Hearing none, the meeting was adjourned at 7:11 p.m.