

**MINUTES OF THE
PEACE OFFICER STANDARDS
AND TRAINING BOARD
LAW ENFORCEMENT TRAINING ACADEMY (LETA)
BISMARCK, NORTH DAKOTA
MAY 11, 2022**

MEMBERS PRESENT

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

GUESTS

Steve Delzer
Alisha Ettesvold
Tanner Granger
Jesse Weicht
Julie Ellingson

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 2:43 p.m. There were numerous other individuals present as guests online through the Teams platform or call in.

POST Board Hearing – Tanner Granger (22-004) 1:01 p.m.

On November 17, 2021, Tanner Granger's dog had attacked and bit the neighbor's dog. Granger believed that his fence had blown down in the resulting high winds that day and his dog got out of the fence. Granger accepted the class B Misdemeanor citation for a vicious animal. Granger was present and answered questions from the Board.

Motion

Jesse Jahner made a motion that Tanner Granger violated the Peace officer Conduct specifically 109-02-05-01(4c) and that Granger's conduct has a direct bearing on his ability to perform peace officer duties. Erik Dietrich seconded the motion. Jesse Jahner, Erik Dietrich, Lyn James voted yes. Tom Falck, Joe Cianni, Dan Haugen voted no. Motion failed 4 to 3.

MEMBERS ABSENT

LEGAL COUNSEL

Mike Mahoney

POST Board Hearing – Jesse Weicht (22-005) 1:12 p.m.

On November 19, 2021, Jesse Weicht accidentally discharged his weapon in his house. Weicht cleared the gun and inadvertently put the magazine back in it and closed the slide, which placed a bullet in the chamber. Weicht began to go through the steps to take the slide off and pulled the trigger, causing it to discharge. Weicht plead guilty to a Class B Misdemeanor. Weicht was present at the meeting providing an overview of the incident and answering questions from board members.

Motion

Jesse Jahner made a motion that Jesse Weicht violated the Peace officer Conduct specifically 109-02-05-01(4c) and that Weicht's conduct has a direct bearing on his ability to perform peace officer duties. Joe Cianni seconded the motion. All in favor, motion carried.

Jesse Jahner 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 Weicht's peace officer license. Board members discussed probation.

Motion

Joe Cianni made a motion for 90 days of probation retroactive from January 21, 2022 with the condition that Weicht commit no further criminal or administrative rule violations during the probationary period. Lyn James seconded the motion. All in favor, motion carried.

Waiver of Basic Training

The POST Board received a letter from the McIntosh County SO asking if Victor Fischer could receive a waiver of basic training based on hardship for McIntosh County. Nicholas Marolt, who worked in Minnesota as a correctional officer, was hired previously with McIntosh County SO. McIntosh County SO is a three-man department and if both Fischer and Marolt would attend the June academy that would leave one person to man the department.

The Board asked Sheriff Delzer questions about Marolt having any law enforcement experience and he stated Marolt had more than Fischer. The Board asked if Marolt would be able to have the waiver granted instead of Fischer because of Marolt having some law enforcement experience. Sheriff Delzer stated he would ask if this would work with both of their schedules.

Motion

Erik Dietrich made a motion to approve the request of the basic training academy for one of the two deputies hired with McIntosh County. Tom Falck seconded the motion. All in favor, motion carried.

Waiver of Basic Training

The POST Board received an email from the ND Stockmen's Association asking if Clint Hecker could receive a waiver of basic training based on hardship for the ND Stockmen's Association. There are two new hires that both need to go to basic training and having both new hires would create a significant hardship for the organization. ND Stockmen's Association & Foundation Executive Vice President Julie Ellingson was present and explained their request as well as answering questions from the Board.

Motion

Steve Armstrong made a motion to approve the request of the basic training academy for Clint Hecker. Lyn James seconded the motion. All in favor, motion carried.

Limited License – Alisha Ettesvold

At the March 31, 2021, POST Board meeting, the Cass County Sheriff's Office sent in paperwork to request a limited license for Alisha Ettesvold. Ettesvold's criminal history background check indicated she was arrested for a DUI in Minnesota on September 6, 2020. A motion to table the request for a limited license was made for Alisha Ettesvold until the internal investigation, and everything required in the court disposition has been completed. Ettesvold was present and answered questions for the Board. Ettesvold stated she had completed everything through the courts. Sheriff Jahner was present and provided the Board with an overview of Ettesvold's progress.

Motion

Erik Dietrich made a motion to grant Alisha Ettesvold's limited license. Steve Armstrong seconded the motion. All in favor, motion carried.

At 2:26 p.m. Chairman Haugen called for a short recess.

OLD BUSINESS

Tim Sul

Executive Secretary Duane Stanley relayed to the Board that he had received the fully executed Findings of Fact, Conclusions of Law, Order of Dismissal, and Order of Suspension on February 21, 2022.

Cody Hallin

Executive Secretary Duane Stanley relayed that the Order stating the issue regarding Hallin did not rise to the level of a POST Board violation went out March 22, 2022.

IADLEST Conference

Executive Secretary Duane Stanley stated that he, Mike Mahoney, Joe Cianni, and Erik Dietrich would be attending the IADLEST Conference in Fort Worth Texas May 15-18, 2022.

NEW BUSINESS

Executive Secretary Duane Stanley gave a detailed overview and summarization in a Case Reviews/Declination report regarding eleven officers that had documentation sent in to the POST Board office to review for alleged POST Board violations.

POST Board Credit for Business Meetings and In State versus Out of State Course Approvals

Executive Secretary Duane Stanley wanted clarification from the Board regarding whether or not an officer should get credit for business meetings and agency updates. He explained that sometimes individuals try to get meetings instead of actual training approved. Executive Secretary Stanley provided the example of the upcoming Sheriff's and Chiefs meeting and the subjects that were approved for credit where there is a combination of training sessions, agency updates and business mtgs. After discussion, Board members stated that moving forward in the future, business meetings and agency updates should not be approved for continuing education credit. Executive Secretary Stanley explained to the Board the process for approving courses that are taught in state and those that are attended out of state. It was relayed that out of state training is sometimes hard to get information on the front end and when sending the certificate in, there is typically more information that is usually attached. Board members reviewed the process as defined in administrative rule and discussed the differences. The Board relayed to staff to continue approving courses as you have been.

CHAIR UPDATES

Reserve Officer License Update

Chairman Dan Haugen gave an update on the reserve officer license process. He stated the TPO's are almost complete and test questions are done.

It should be noted that Jason Ziegler came to the meeting at 2:43 p.m.

Training Funds

Chairman Dan Haugen brought up the topic and discussed with board members utilizing the money in the POST Board savings account for funding of training when the money in the training budget is expended as is currently the case. There was lengthy discussion by board members whether this was possible. Legal Counsel Mahoney relayed that based on the current language in the statute that described POST Board authority, that did not fall within the scope of the boards authority.

Motion

Jason Ziegler made a motion that Chairman Dan Haugen moves forward in asking the Attorney General for an opinion if the POST Board can spend money on training. Tom Falck seconded the motion. All in favor, motion carried.

TPO's for Basic Training Academy

Chairman Dan Haugen relayed to board members that the updated TPO's have been send out to the basic training academies around the state and they take effect May of 2022.

Meeting Minutes

Minutes were reviewed from the February 16, 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 March 30, 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 May 10, 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.

Motion

Chairman Haugen made a motion to adjourn at 3:18 p.m.