

MINUTES
August 15, 2017
11:00 a.m.
Board Meeting-Bismarck Airport
Bismarck, ND

1. Chairman, Mike Stensrud, called the meeting to order at 11:00 a.m. Board members present: Ernie Thurman, Mike Stensrud, Nancy Miller (via telephone), and Randy Ziegler. Board members absent, Mike Wetsch and Rick Schuh. Others present: Outgoing Executive Director, Francine Johnson, Incoming Executive Director, John Shorey, Office Assistant, Cheryl Kruger, Legal Counsel, Monte Rogneby, Darrel Dyer, Jeremie Meisel, EH Investigations, Chris Redman, Representing Jeremie Meisel-EH Investigations, Robin Forward, Legal Counsel for Tigerswan, and Lacie Anderson, Odney Public Affairs.
2. The minutes were reviewed from the previous meeting dated 5-23-17. Ernie Thurman made the motion to accept the minutes. Seconded by Randy Ziegler. M/S/C. The minutes were reviewed from the special meeting dated 6-26-17. Ernie Thurman made the motion to accept the minutes and Randy Ziegler seconded. M/S/C.
3. The financial report was given by Nancy Miller. The year to date income as of August 10, 2017 was \$47,658.75. The total expenses were \$121,867.03 with a net income of -\$74,208.28. Assets were \$149,500.80. The CD balance was \$121,509.17 and the checking account balance was \$49,226.12. Ernie Thurman made the motion to approve the financial report. Seconded by Randy Ziegler. M/S/C
4. John Shorey informed the Board of a complaint received against Bill Butcher of W. T. Butcher and Associates by Darrel Dyer. John advised Mr. Dyer indicated he had received notice from Equifax that his credit file had been supplied to W.T. Butcher and Associates. Mr. Dyer alleged that W.T. Butcher and Associates committed fraud due to their misrepresentation to Equifax that they were conducting a credit search for employment purposes on him. Mr. Dyer alleged that he did not provide written or verbal permission to anyone to gain his personal information. John advised Mr. Dyer further alleged that W.T. Butcher and Associates had violated the Fair Credit Reporting Act. John advised that the complaint was reviewed by board legal counsel, Monte Rogneby and that Monte did not believe that the complaint set forth grounds for a board action against W.T. Butcher and Associates. Monte had visited with Mr. Dyer and he raised a point that may be worthy of a second look. He indicated that private investigators are subject to certain requirements as it relates to credit information under federal law. The floor was open to Darrel Dyer. Mr. Dyer claimed that Bill Butcher obtained his social security number without his written consent and released it to the credit bureau. Mr. Dyer was concerned about how W.T. Butcher and Associates was maintaining his information. Monte Rogneby indicated that the complaint should be discussed during an executive session. Monte stated that he will inform Mr. Dyer of the Board's decision. Mr. Dyer was also informed that he can gain a copy of the minutes after they are approved by the Board.
5. Cheryl Kruger informed the board of a complaint was received against MSM Security for providing private investigation services without being properly licensed in North Dakota. Cheryl inquired about their private investigative activities within the state. They responded stating they are under direct contract with the Federal Government, so they are exempt from licensing. No further action will be taken.

6. Monte Rogenby gave an update on EH Investigations. He informed the Board that a Stipulation was given to Jeremie Meisel with the following terms: \$5,000.00 fine, \$8632.86 for costs, 3 year's probation, a compliance monitor during the probationary time. Chris Redman and Jeremie Meisel had concerns over the agreement and addressed the Board. Mr. Redman stated that the violation was due to Mr. Meisel's inexperience as a license holder and he didn't think the Stipulation was fair since he is a first time offender. Mr. Redman suggested a fine of \$2,000.00 and 18 month probation. They didn't have an issue with a compliance officer. They also requested an itemized breakdown of the costs. Mike Stensrud inquired if Mr. Meisel was in agreement to #13 and #14 on the Complaint concerning unregistered security work of Jason Wentz, Chris Anderson, Elizabeth Marlow, Merry Jenson, and Kimberly Stuart. Mr. Meisel stated that Jason Wentz and Chris Anderson were both properly registered. He stated that Jason Wentz did not do any work for DAPL. Mr. Meisel indicated that Elizabeth Marlow, Merry Jenson, and Kimberly Stuart were all intel collectors.

7. John Shorey informed the Board of a complaint received against Weapons Instructor, Lincoln Brower with Rochester Armored Car. The complaint indicated that Mr. Brower wasn't present at the shooting range to qualify an individual. He signed the range form indicating that he was. Rochester Armored Car indicated that they would not use Lincoln Brower to administer any weapons training until this case is resolved. The Board agreed that Mr. Brower should have been at the range and the qualification in question would not be accepted. Monte Rogenby indicated that Mr. Brower submitted a false document. Monte stated that the Board would have authority to issue an immediate suspension. Randy Ziegler made a motion to suspend Lincoln Brower's weapons instructor and trainer certifications with the Board on an emergency basis. Seconded by Ernie Thurman. M/S/C. Monte Rogenby will research and prepare the necessary legal documents to suspend Brower's trainer designations with the board.

8. Monte Rogenby informed the board of a meeting between James Reese, John Booth of Tigerswan, Robin Forward, Tigerswan's Legal Counsel, Cheryl Kruger, Francine Johnson, John Shorey, Mike Stensrud, was held to discuss the denial of James Reese's application as well as the charges brought before them. Monte stated that the Settlement would be discussed in executive session.

9. John Shorey summarized a letter submitted by David Moitzheim. Moitzheim requested electronic applications, dialing into Board Meeting, and questioned why the Minutes are not posted on the website immediately. John Shorey will send Mr. Moitzheim a letter stating that electronic applications are not possible due to the requirement of the notary and BCI does not accept electronic fingerprints from our office. Dialing in on meetings is not possible at our current location. It was agreed to post minutes from the last 2 years on the website. It was also noted that minutes cannot be posted until they are approved at the next Board meeting.

10. Monte Rogenby will contact Per Mar about their failure to comply with the Stipulation. The deadline was August 1, 2017. Monte will inform them that a response is needed. Randy Ziegler made a motion to authorize Monte Rogenby to file an administrative complaint against Per Mar if there is no resolution. Seconded by Ernie Thurman. M/S/C.

11. Monte Rogenby stated that he has not received any information from Jonathan Byers with the North Dakota Attorney General's Office concerning Leighton Security. Monte will follow up with Mr. Beyers. The Board authorized Monte Rogenby along with the NDPISB executive team to administer an administrative or civil complaint against Leighton Security.

12. John Shorey stated an Administrative Rule change is necessary due to the change of the equivalency of military to be used toward the 1000 hours of security service. Monte Rogenby

informed the Board that if there are other changes to be made, they should be done now. Nancy Miller made the motion to create a committee to review administrative rules and any other rule changes that would be appropriate, along with allowing Monte Rogneby and Justin Hagel to create a new proposal to determine the military rule change. Seconded by Ernie Thurman. M/S/C. The committee will be Ernie Thurman, Nancy Miller, John Shorey, and Francine Johnson. They will provide suggestions for consideration at the November 28, 2017 board meeting.

13. John Shorey informed the Board that the NDPIBS exams and website need to be updated due to constitutional concealed carry law going into effect. John Shorey advised this was just a matter of information for the board.

14. Francine Johnson gave an update on the Audit as provided to all board members. There was a motion by Ernie Thurman to approve the Audit. Second by Randy Ziegler. M/S/C

15. John Shorey gave a transition report to the Board. He stated that office space is an issue due to the fact that he and Cheryl Kruger are sharing an office. Francine Johnson stated that when she vacates her space, the Board may be able to rent the space. Francine indicated it may not be until February 2018. John also asked for approval to buy a computer since the office only has one computer that he and Cheryl are sharing. There was a motion by Randy Ziegler to approve purchase of a computer up to \$2,000.00. Seconded by Ernie Thurman. M/S/C.

16. John Shorey and Cheryl Kruger requested approval to go to the IASIR conference in Chattanooga, TN in November, 2017. Cheryl stated that DAPL would be a main topic and both she and John can contribute as well as receive information. It was also noted that IASIR has reached out to the office for someone willing to give a presentation on our experience with DAPL. There was a motion by Ernie Thurman to allow John and Cheryl to go to the IASIR Conference and inquire of IASIR to see if they will cover any of the costs. If not, John and Cheryl are still approved to attend. Second by Randy Ziegler. M/S/C.

17. A motion was made by Ernie Thurman to close the meeting for an Executive Session for attorney/client discussion concerning the Darrel Dyer complaint against Bill Butcher, EH Investigations, Per Mar, and Tigerswan. Seconded by Randy Ziegler. A roll call vote was taken and it was unanimous. The Executive Session began at 1:05 a.m. The executive session adjourned at 1:43 p.m and the general public was invited back for the open session of the meeting.

18. A motion was made by Ernie Thurman that the Board take no action against Bill Butcher-W.T. Butcher and Associates at this time. Seconded by Randy Ziegler. M/S/C.

19. A motion was made by Ernie Thurman to file a complaint against Per Mar if there is no resolution concerning their failure to comply with the Settlement Agreement. Seconded by Randy Ziegler. M/S/C.

20. The next meeting has been scheduled for November 28, 2017.

21. Ernie Thurman made the motion to adjourn the meeting. Seconded by Randy Ziegler. M/S/C. The meeting adjourned at 1:45 p.m.


Chairman


Date

Cheryl Kery
NDPISB Office Assistant

4/30/17
Date