

LAW ENFORCEMENT OFFICERS  
STANDARDS AND TRAINING COMMISSION  
Crystal Room - Ramkota Convention Center  
Sioux Falls, SD  
November 13, 2019

The South Dakota Law Enforcement Officers Standards and Training Commission meeting was called to order by Chairman Natvig on November 13, 2019, at the hour of 9:00 a.m. in the Crystal Room at the Ramkota Convention Center in Sioux Falls, SD.

Roll call was taken with the following members responding: Matt Burns, Sioux Falls Chief of Police; Tom Wollman, Lincoln County State's Attorney; Andy Howe, Clay County Sheriff; Jason Ravnsborg, Attorney General; Robert Perry, Special Agent, FBI; Jo Vitek, Lake Area Technical Institute; Gary Gaikowski, Sisseton-Wahpeton Chief of Police; and Rick Miller, SD Highway Patrol. Others present included David Natvig, Chairman; Chad Mosteller, Executive Secretary; David Harris, Training Coordinator; and Lucas Sieve, DCI. Commission Members Randall Rosenau, Lawrence County Commissioner, and Steve Allender, Rapid City Mayor, were absent.

In accordance with SDCL 1-25(1), official meetings open to the public, time was allowed by Chairman Natvig for public comments. The floor was open for public comments of which there were none.

Chairman Natvig declared a quorum present and started the order of business with the review of the previous meeting's minutes.

- September 5, 2019 minutes of the South Dakota Law Enforcement Officers Standards and Training Commission were approved having reviewed the same on a **motion** by Commission Member Wollman, **second** by Commission Member Burns.

The SD Highway Patrol is requesting financial assistance to host the following grant. Lt. Tony Maunu is before members to present the grant and answer any questions members may have.

- *Basic Field Training Officer 40-hour seminar.* The seminar will be provided by Kaminsky, Sullenberger & Associates, Inc., and will be conducted in January 2020. The purpose of the training is to prepare officers to provide field training utilizing the San Jose Model. The seminar maximum is 36 students. Agencies within the state utilize the FTO program for training officers and jailers. While the PTO model has proven successful in training of some departments, the FTO model remains an efficient and proven program to produce competent professional law enforcement officers. The total cost of the seminar is estimated to be \$9,550.00. The SD Highway Patrol will pay \$650 and is requesting funding of \$8,900 to cover the remaining cost of the Training. Funding monies with the Motor Carrier Division have not been guaranteed. Should the monies be approved, the grant funding request would be reduced, and eight non-sworn slots would be approved to attend the seminar. **Motion** by Commission Member Vitek to approve the grant request, **second** by Commission Member Howe. **Motion amended** by Commission Member Vitek to include a minimum of 20 attendees, **second** by Commission Member Howe, motion **approved**.

Business continued with the following reciprocity requests:

**Noah Nyok**, Marshall County Sheriff's Office, completed Indian Country Police Officer training in October 2017. Background check revealed no adverse information. Nyok successfully completed the reciprocity exam in August 2019. Nyok attended the September 23-27, 2019 reciprocity training week. He failed EVOC and firearms skills. He attended and successfully completed EVOC training week, September 30 - October 4, 2019, during the Basic Training session. Nyok will need to complete the firearms qualification skill by the next reciprocity session, January 7, 2020. Nyok has since resigned from the Marshall County Sheriff's Office. There were no disciplinary issues with the Sheriff's Office. **Motion** by Commission Member Wollman to approve the reciprocity request contingent upon employment and passing the firearms skills qualification, **second** by Commission Member Perry, motion **approved**.

**Cameron Moser-Asbjeld**, Rapid City Police Department, completed the Criminal Justice-Law Enforcement Emphasis program at WDTI in May 2019. Background check revealed no adverse information. Cameron successfully completed the reciprocity exam in September 2019. He completed the reciprocity EVOC and Firearms skills training on October 1, 2019. Due to a scheduling issue, he was unable to attend and complete the Use of Force skills training. Cameron is scheduled to attend the Use of Force training in January 2020. **Motion** by Commission Member Burns to approve the reciprocity request pending attending and completion of the Use of Force skills training, **second** by Commission Member Gaikowski, motion **approved**.

**Cody Sellhorst**, SD Highway Patrol, attended and completed a 636-hour Basic Law Enforcement training class at the Nebraska Law Enforcement Training Center and became a certified officer in the State of Nebraska in March 2017. His certification status is active. No action has been taken or is pending to revoke this certification. Background check revealed no adverse information. Sellhorst completed the reciprocity exam in September 2019. Sellhorst completed the reciprocity training week in September 2019. **Motion** by Commission Member Perry to approve the reciprocity request, **second** by Commission Member Burns, motion **approved**.

**Bobby Flaherty**, Sioux Falls Police Department, completed a 568-hour Basic Level I training class at the Iowa Law Enforcement Academy in December 2010. Flaherty was employed by the Davenport Police Department from August 2010 to April 2019. He was hired by the Sioux Falls Police Department in July 2019. Background revealed no adverse information. Flaherty completed the reciprocity exam in August 2019 and completed the reciprocity training week in October 2019. **Motion** by Commission Member Miller to approve the reciprocity request, **second** by Commission Member Howe, motion **approved**.

**Aaron Kurtenbach**, Rapid City Police Department, completed 538-hours of training from the Lake Region State College Peace Officer Training Program at Devils Lake, North Dakota, in 2013. Kurtenbach's license is valid until December 2021. He is in good standing with the North Dakota POST Board and has never had any adverse action against him. Background revealed no adverse information. Kurtenbach completed the reciprocity exam in September 2019. He attended and completed the reciprocity training in October 2019. **Motion** by Commission Member Perry to approve the reciprocity request, **second**, simultaneously by Commission Members Wollman and Vitek, motion **approved**.

**Jeremy Milstead**, Pennington County Sheriff's Office, completed the Lafourche Parish Sheriff's Academy with 403-hours of instruction in 2103. Milstead's certification is still valid in the State of Louisiana and there is no record of any action taken against his POST certification. Milstead was employed full-time with the Lafourche Parish Sheriff's Office. LET staff reviewed the basic training curriculum and advanced training and determined the training comparable to our basic training curriculum. Background revealed no adverse information. Milstead successfully completed the reciprocity exam in September 2019 and completed the reciprocity training week in October 2019. **Motion** by Commission Member Burns to approve the reciprocity request, **second** by Commission Member Howe, motion **approved**.

**Dana Joseph Weir**, Brandon Police Department, completed the 12-Week Law Enforcement course at the Iowa Department of Public Safety in August 1983. His certification is valid, he is in good standing and there were no derogatory notes against certification. Weir completed the 17-Week FBI Academy in 1995 and was employed with the FBI from 1995 until his retirement in 2019. Background revealed no adverse information. Weir successfully completed the reciprocity exam in September 2019. Weir attended and completed the reciprocity training in October 2019. **Motion** by Commission Member Perry to approve the reciprocity request, **second** by Commission Member Gaikowski, motion **approved**.

**Zach Vidmar**, Hamlin County Sheriff's Office, completed the Law Enforcement Program at Hennepin Tech College in 2014 and the Law Enforcement Program at Normandale Community College in 2015. Vidmar was never placed on academic or disciplinary probation, although he was found responsible of academic misconduct by failing to properly site a source in a course during the fall 2012 semester. Vidmar passed the Peace Officer Licensing Exam and completed the POST Board examination requirements in 2015. He was employed by the City of Chanhassen in a non-sworn position and by the Washington County Sheriff's Office as a jailor. Vidmar was hired by the Gaylord Police Department in 2017 and was issued a POST license at that time. There was no disciplinary action taken against this license by the POST Board. Vidmar is in good standing in the State of MN. Vidmar was employed by the Gaylord Police Department for one month. He did not pass the FTO training for the PD. He resigned from the PD in October 2017. Vidmar does meet the South Dakota reciprocity requirements. Background check revealed no adverse information. Vidmar successfully completed the reciprocity exam in 2019 and attended and completed the reciprocity training week in October 2019. **Motion** by Commission Member Howe to approve the reciprocity request, **second** by Commission Member Miller, motion **approved**.

**Micah Mesman**, Pennington County Sheriff's Office, completed the Law Enforcement Program at Alexandria Tech and passed the Peace Officer Licensing Exam in 2010. Mesman joined the military and was deployed to Iraq and Kuwait from 2011-2012. After leaving the military, he worked construction and went back to college. He was employed by the Clay County Sheriff's Office as a correctional officer from 2013 - 2016. Mesman passed the MN reinstatement exam in September 2016 and completed the POST Board's examination requirements. License records show no disciplinary action taken against this licensee by the POST Board. Mesman was employed by the Worthington Police Department from 2016 - 2019. Background revealed no adverse information. Mesman successfully completed the reciprocity exam in 2019 and is scheduled to attend the reciprocity training in 2020. **Motion** by Commission Member Perry to approve the reciprocity request, **second** by Commission Member Miller, motion **approved**.

Chairman Nativg called a brief recess and members returned to session with a quorum present.

The next item for member consideration is a reserve certification reinstatement request. Jim Ronfeldt and Geody VanDewater, Sturgis Police Department Chief of Police, have submitted letters of request regarding reinstatement of Ronfeldt's reserve status. Chief VanDewater is before members on Ronfeldt's behalf. Ronfeldt completed reserve officer training in 1993. His reserve officer certification expired in 2016. Ronfeldt has served as a Reserve officer for the Box Elder Police Department, the Pennington County Sheriff's Office, the Custer County Sheriff's Office, and the Sturgis Police Department. Ronfeldt was a full-time employee with the Rapid City Police Department as a Traffic Crash Investigator from 1988 until retirement in 2019. The position was a non-sworn, non-uniformed position. Chief VanDewater advised that during the time Ronfeldt was a member of the Sturgis Police Department reserve program, he was supervisor of the program. Chief VanDewater advised members Ronfeldt will be attending the mandated department training, along with the mandated DV, firearms, and mental illness training. **Motion** by Commission Member Vitek to support the reserve reinstatement request with the stipulation Ronfeldt attend and complete the mandatory training, **second** by Commission Member Burns, motion **approved**.

The following canine teams have met the requirements of certification or recertification:

- Canine Team **Mark Kannenberg and K9 Sadie**, Department of Corrections, have met the requirements for Correction Dog certification on September 16, 2019;
- Canine Team **Mark Kannenberg and K9 Echo**, Department of Corrections, have met the requirements for Correction Dog certification on September 16, 2019;
- Canine Team **Chris Happe and K9 Toby**, Department of Corrections, have met the requirements for Correction Dog certification on September 16, 2019;
- Canine Team **Chris Happe and K9 Bleu**, Department of Corrections, have met the requirements for Correction Dog certification on September 16, 2019;
- Canine Team **Matthew Geppert and K9 Sadie**, Department of Corrections, have met the requirements for Correction Dog certification on September 16, 2019;
- Canine Team **Steve Pederson and K9 Maverick**, Department of Corrections, have met the requirements for Correction Dog certification on September 16, 2019;
- Canine Team **Nylda Stevens and K9 Raja**, Department of Corrections, have met the requirements for Correction Dog certification on September 16, 2019;
- Canine Team **Brian McGuire and K9 Krome**, Bon Homme Sheriff's Office, have met the requirements for Drug Detection certification on November 7, 2019;
- Canine Team **Patrick Nolz and K9 Max**, Yankton PD, have met the requirements for Drug Detection certification on November 8, 2019; and
- Canine Team **Kyler Pekarek and K9 Reno**, Yankton PD, have met the requirements for Drug Detection certification on November 8, 2019.

**Motion** by Commission Member Ravensborg to approve the canine team certification listing as presented by the Executive Secretary, **second** by Commission Member Vitek, motion **approved**.

Garrett Welsh has submitted a letter requesting eligibility for certification. Garret was dismissed from the 168<sup>th</sup> Basic Training Session and terminated from the SD Highway Patrol. Garrett was assigned to complete an investigations case study and instructed to complete an incident case report. The report must

be his own report and must be done individually. Garrett asked another student for a copy of that student's incident case report. Garret made minimal changes to the document and submitted the document as his own. Only a sentence and a couple of words were changed. All formatting, grammar, and punctuation were the same. Garret had indicated he used the report as a template and thought he had changed enough to submit the report as his own. Garrett indicated it was a poor decision, laziness, and a poor judgement call.

Note for the record: Commission Members Wollman and Miller are recused and did not enter any discussion or voting procedure.

The record will reflect the December 13, 2018 hearing transcript was submitted to commission members.

Welsh is before members requesting his eligibility for certification. Welsh advised members he is currently in the application process for the Lincoln County Sheriff's Office. He understands he made a poor judgement call in the past and has paid the consequences for that action. Since that time, he feels he has grown and matured in ways that he believes will make him a better law enforcement officer. It was a poor decision and laziness on doing the report. He feels his track record at the academy was excellent, he was in the top of the class, and the only disciplinary action was this incident. He regrets what he did, and one mistake should not remove him from a career in law enforcement.

Executive Secretary Mosteller advised Garrett did complete everything during the training session up until the case study. LET would not be opposed to the completion of the final phase. A study packet of information can be provided with procedure, a certain problem, and report for completion. The packet and report would be tweaked. All information would have to be completed to the satisfaction and standards that LET is looking for. Work would have to be comparable to the 20 hours within that five-week phase of the academy training. The completed report and a presentation at the academy would be required. The commission can add additional components besides the study packet. **Motion** by Commission Member Ravensborg, **second** by Commission Member Howe to enter executive session to further discuss their consideration, motion **approved**.

Members moved out of executive session and back into regular session on a **motion** simultaneously by Commission Members Ravensborg and Perry, **second** by Commission Member Gaikowski. The meeting proceedings resumed.

**Motion** by Commission Member Burns to authorize reinstatement for certification pending completion of final project and any other ethics instruction as deemed appropriate by the LET staff with requirement that Mr. Welsh disclose the Findings of Fact and the full transcript of hearing to any future South Dakota law enforcement sponsoring agency/employer, **second** by Commission Member Ravensborg. Motion **approved** in the verbal response in the affirmative by all members. **Action: 6-0 Aye** (Burns, Howe, Ravensborg, Perry, Vitek, and Gaikowski).

A short recess was taken, and members entered executive session on a **motion** by Commission Member Ravensborg, **second** by Commission Member Burns for legal consultation.

Members moved out of executive session and back in regular session on a **motion** by Commission Member Ravensborg, **second** by Commission Member Burns.

The following items of business were for information only and did not require commission action by members:

Executive Secretary Mosteller received four complaints filed by Senator Stace Nelson in March 2019. The complaints were in the matter of law enforcement employment qualifications of Matthew Wollmann and in the matter of law enforcement certification of Dave Lunzman, Mark Milbrandt, and Ross Erickson. A copy of the complaints was sent to each commission member.

Guy DiBenedetto reviewed and investigated each complaint. The investigation and facts did not support a certification or revocation issue. Each complaint will be dismissed, and a letter of explanation will be submitted to Senator Nelson. Erickson has signed a voluntary consent of decertification and has no intention to continue in law enforcement.

A Consent of Decertification form was received from:

- **Ross Erickson**, former Brown County Deputy; and
- **Ethan Vobr**, former Tripp County Deputy.

Timothy Peet's certification was suspended until September 5, 2019, per the November 17, 2018 meeting, provided he complied with all conditions of the suspended imposition, sealing of record, and provide proof to the commission through Training Coordinator Mosteller. Peet complied with all conditions per court documents received by LET on September 5 and 9, 2019. Peet's certification was reactivated.

Continuing education non-compliance was addressed by Training Administrator Mosteller. It was the intent to bring to the commission officers who have not complied with the required handgun qualification every year and the completion of 40 hours of continuing education every two years. Officers who are non-compliant will be issued a letter advising they may not perform the duties of a law enforcement officer or a reserve law enforcement officer. The officer's certification becomes inactive until the employing agency provides documentation establishing the officer has completed the required requalification. This is a more efficient way of dealing with the noncompliance, it takes the liability off LET. It is not a decert issue, but an inactive cert issue. The letter will be sent to all officers and their employing agencies on January 26, 2020, advising certification is inactive until documentation is submitted to LET.

The Lake Area Tech advisory board was wondering if there might be a possibility for students who have graduated from the law enforcement program of allowing them to become employed as an officer at 20 years of age and not have to wait until they are 21 years of age. The employment age requirement would be a legislative issue. They can gain law enforcement experience as a correctional officer.

There being no further business to come before the meeting body, the meeting was adjourned on a **motion** by Commission Member Miller, **second** by Commission Member Vitek, motion **carried**. No meeting date was set at this time.

Approved March 4, 2020  
Date

David Natvig, Chairman LEOSTC

Chad Mosteller, Executive Secretary LEOSTC

Submitted by Recording Secretary