

**MINUTES**  
**June 29, 2021**  
**9:00 A.M.**  
**ND PISB Board Meeting-Zoom Video Conference**  
**NDPISB**

1. Chairman Mike Wetsch called the meeting to order at 9:03 a.m. Board members present: Mike Wetsch, Justin Blinsky, Steve Lundin, Randy Zeigler, and Ernie Thurman (join the meeting at about 9:35 A.M.) Board member absent: Jason Nelson. Others present: Executive Director John J. Shorey III, Board Legal Counsel Monte Rogneby, North Dakota Assistant Attorney General Courtney Titus and North Dakota Assistant Attorney General Allyson Hicks (joined meeting at about 9:08 A.M.).
2. Steven Lundin advised he was going to recuse himself from agenda items # 2 & # 3 and he was going to disconnect from the Zoom conference and to notify him when the Board was back in the open meeting. Monte advised he was going to log off as he had been rescued from the conflict and would go into the waiting room of the Zoom conference.
3. A motion was made by Justin to close the meeting for an executive session for attorney consultation (N.D.C.C. 44-04-19.1(2)) concerning Energy Transfer LP and Dakota Access LLC vs. ND PISB and TigerSwan, LCC Case No. 08-2020-CV-02788, First Look Media Works, Inc. vs. NDPISB Case No. 08-2020-CV-03093, Energy Transfer LP and Dakota Access LLC vs. ND PISB and TigerSwan, LLC Administrative Appeal Case No. 08-2020-CV-03049 Update. Seconded by Randy. A roll call vote was taken, and it was unanimous to go into executive session. The executive session began at 9:06 A.M. The executive session adjourned at 9:08 A.M. The public was invited back for the open session of the meeting.
4. The Board after going into executive session realized it did not have a quorum of Board members with Steven Lundin rescuing himself and Ernie Thurman not being present, so the Board came out of executive session with no discussion on the agenda topic being held. Assistant Attorney General Allyson Hicks joined the meeting at this time. Allyson advised that Courtney was just giving a case update, and there was nothing really to give legal advice on, and there was nothing for the Board to decide on, therefore the update could be held in the open portion of the meeting. Courtney provided the Board with an update on the cases. Courtney and Allyson then left the meeting.
5. A motion was made by Randy to close the meeting for an executive session for attorney consultation (44-04-19.1(2)) and Closed or Confidential Records (44-04-19.2(1)) concerning agenda items # 4 thru # 7. Seconded by Justin. A roll call vote was taken, and it was unanimous to go into executive session. The executive session began at 9:20 A.M. The executive session adjourned at 9:35 A.M. The public was invited back for the open session of the meeting.
6. Ernie Thurman joined the meeting at this time.
7. Justin made a motion to issue a notice of intent to deny for Kiersten Crozier's application as the offense the applicant committed has a direct bearing on her ability to perform her job and there has not been substantial time that has elapsed since the conviction and completion of the unsupervised probation. Randy seconded. A roll call vote was taken, and it was unanimous to approve the motion.
8. Randy made a motion to approve Richard Barton's application. Justin seconded. A roll call vote was taken, and it was unanimous to approve the motion.
9. Justin made a motion to approve Carmen Cockfield's application. Randy seconded. A roll call vote was taken, and it was unanimous to approve the motion.
10. Steve made a motion to approve Jonathan Picking's application. Ernie seconded. Randy brought up he would like more explanation from the applicant regarding their six-month sentence in jail. Randy made a motion to amend the motion to request more information with a better explanation from the applicant as he (Randy) was not confrontable with the applicant's explanation on why he received six months in jail. Randy advised he would like the court documents showing the final disposition of the case also, if


available, along with a better written explanation from the applicant. Ernie seconded the motion. A roll call vote was taken, and it was unanimous to approve the motion to amend. A roll count vote was then taken on the amended motion, and it was unanimous to approve the motion.

11. John summarized Attorney Ashley Schell's inquiry if her previous experience would qualify towards the 2000 experience hours requirement for private investigator licensure. Monte went over equivalent experience as outlined in the Administrative Rules, the definition of private investigative services and the exemptions in the century code under 43-30, and the work that attorneys complete. There was considerable Board discussion about how much investigative work attorneys complete in a year depending on their practice. Monte advised based on Board discussion John should communicate to Ashley Schell that her previous work as an attorney may qualify as equivalent experience, but that she needs to make application with additional information regarding her experience, and how much of it is investigatory in nature. Monte pointed out there was nothing for the Board to act on as there was not an application pending for Ashley Schell.
12. The Board took a brief break. The Zoom conference continued during the break.
13. John advised he received Mary Swanson's registration letter on March 5, 2021. John advised Mary had not worked any hours this year, in 2020 she had worked about 8.5 hours total, and it has been about a year since she had completed any work for the Board. John stated the resignation was not a surprise. John advised Mary in her letter advised "As I approach retirement, I have decided to scale down my employment." Ernie made a motion to accept Mary Swanson's registration. Steven Seconded. A roll call vote was taken, it was unanimous to approve the motion.
14. John advised Securitas Security was requesting that the use of the Board's lockbox be brought back. John stated he made the decision to stop using the lockbox due to the COVID-19 pandemic. John advised agencies and applicants were still allowed to drop off applications at the Board's Office, and that did not change due to the COVID-19 pandemic. John stated he did have several agencies not following the protocols put in place for the use of the lockbox. John stated due to the current backlog, he was requesting not to start up the use of the lockbox again, and to reevaluate it once the backlog was cleared. The Board did not have an issue with John's position. John asked if a motion was needed. Monte stated his position was that John is the Executive Director and runs the office and has the discretion with issues like this, and if someone has an issue with it, they can then come to the Board, but that a motion is not needed to approve each thing John does.
15. Ernie provided the financial report. Ernie advised as of 5-31-2021: Total Assets: \$27,143.68, In CD: \$20,319.50, In Checking: \$37,110.95. Ernie advised for the month of May 2021 the net income was - \$4,595.88. Ernie stated he had looked at the books and everything appeared to be fine. Randy made a motion to approve the financial report. Justin seconded. A roll call vote was taken, and it was unanimous to approve the motion.
16. 2019-2020 Audit Update. Monte advised he was still researching the issue and would have an answer to John within the week.
17. John advised agenda items 14, 15, 16, and 17 go together. John advised he is still dealing with an extensive backlog from the 2020 renewal season, along with other ongoing and new Board business. John advised he is having difficulty just keeping up with the day-to-day activities of the Board. John advised he had concluded that he is going to need assistance in clearing the backlog. John stated this pre-dated some of the Board members, but the plan was to have an administrative assistant assist John with the renewal seasons, and then work on an as-needed basis outside of the renewal season. John stated the Board had not been utilizing Mary Swanson previously due to the Board's financial situation and the COVID-1 pandemic. John stated he was backlogged with minutes and the license and registrations issued and renewed list for ratification by the Board. John stated the Board needed to figure out if the budget supported the hiring of someone to assist him in the office. John stated if the budget did support this, the next question would be whether the Board should hire an employee or use a temp agency. John advised he thought it was going to be difficult to find an employee to hire based on

the work schedule and needs of the Board. John stated another issue is that the handling of CHRI cannot be outsourced, so that issue would need to be researched with ND BCI if the Board was looking at using a temp agency, and if that would be allowed. John suggested to the Board that he could research the issues, run numbers, and come back to the Board with the information. The Board did not have an issue with this.

18. Monte advised he and the Vogel Law Firm were not able to come to an agreement with the Attorney General's Office regarding requirements for SAAG's regarding conflicts. Monte advised due to this the Board in the next month or two would need to find a new general counsel. Monte advised in his discussions with John it makes sense for the Board to find another SAAG to act as general counsel, and for that SAAG to not handle any litigation. Monte advised the Attorney General's Office has indicated if the Board requests, they would assign an Assistant Attorney General to handle the Board's litigation. Monte advised there were a couple of projects he was working on for the Board that he would finish, as it did not make sense to hand those off. Monte advised he would provide John and the Chairman with the names of some attorneys he thought would do a good job for the Board. Monte advised the Board could then move forward with the process of choosing a new general counsel. Monte summarized the process he went through becoming the Board's general counsel and thought something similar could be done with this process.
19. John advised the Board would need to make some administrative rules changes based on the last legislative session and the laws that were passed. John stated he and Monte discussed it, and the plan was to have SAAG Justin Hagel come up with an outline of what needed to be done, and that outline could be given to the Board's new general counsel.
20. The next meeting is scheduled for August 17, 2021, 9:00 A.M. Mike did not know if he would be able to make that meeting. Justin advised he would not be able to make that meeting.
21. John brought a situation up to the Board regarding transfer and upgrade applications. John advised if an individual has a current registration and they apply for a transfer or upgrade application, the Board requires full disclosure on those applications. John advised there are few pending applications where the individual had disclosure(s) on their initial applications but failed to make those same disclosure(s) on the upgrade or transfer application. John stated under the old denial/appeal process those applications would be denied, as a failure to disclose, and would go through the appeal process, if the agency and application so choose. John stated he had brought this issue to the Board previously and the Board decided not to modify the procedures at that time. John advised with new policies being worked on for applications, he needed some direction from the Board on how to handle these types of applications. John stated that in these cases the disclosures have already been "looked at" and "approved" by the Board. John stated he has been trying to educate the industry if they have an applicant with an upgrade or transfer application, and they have previous disclosure(s), that the applicant should put something on the application after checking yes such as "as previously disclosed to the Board", which signals to him, that there are no new disclosure(s), while still complying with the full disclosure requirement. John advised in the case of transfer applications; this also signals to the new agency that this applicant has disclosure(s). There was Board discussion on how to handle these applications, and what was the simplest for the applicant and the Board. John advised he would want direction from the Board to handle all these types of applications in the same manner, until new policies were put in place. Monte advised he and John could come up with a procedure on how to handle these applications, which he thought could include the Board emailing the applicant the page 1 application, along with an outline of what the issue was, and for the applicant to correct the application, and initialing it, and if there were no new disclosure(s), that John issue the registrations once the application has been corrected. John asked if a motion was needed from the Board on this. Monte advised no that he and John would come up with a procedure and implement it, unless the Board had issues with it. The Board did not and directed John and Monte to put a procedure into place.

22. Randy made a motion to adjourn the meeting. Justin seconded. A roll call vote was taken, and it was unanimous to approve the motion. The meeting was adjourned at 10:51 A.M.

  
Chairman

7-16-25  
Date

  
NDPISB Executive Director

7-16-25  
Date