

MINUTES
May 15th, 2018
11:00 a.m.
ND PISB Board Meeting-Sanford Officers Training Center
Mandan, ND

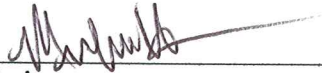
1. Chairman Mike Stensrud called the meeting to order at 11:02 A.M. Board members present: Ernie Thurman, Mike Stensrud, Nancy Miller, Randy Ziegler, and Mike Wetsch. Board members absent: Rick Schuh. Others present: Executive Director John J. Shorey III, Board legal counsel Monte Rogneby, Administrative Assistant Mary Swanson, Wesley Fricks-TigerSwan, Lynn Boughey-Attorney-TigerSwan, John Hageman-Fargo Forum, Blake Nicholson-Associated Press
2. Mary Swanson, new Administrative Assistant, was introduced to the Board.
3. Minutes were reviewed from previous meetings. Ernie Thurman made a motion to approve the minutes from the 2-20-18 meeting; second by Mike Wetsch. M/S/C. Mike Wetsch made a motion to approve the minutes from the 3-23-18 and 3-29-18; second by Ernie Thurman. M/S/C.
4. John Shorey presented a request to add an additional signer to the Board's bank accounts as he is currently the only signer. After some discussion, Mike Wetsch made a motion to add Mike Stensrud as an additional signer; second by Randy Ziegler. M/S/C.
5. John Shorey requested that funds be moved from CD to Checking due to some upcoming invoices. After some discussion, Mike Wetsch made a motion to move either a \$40,000 CD or 2-\$20,000 CDs to checking, whichever had the lowest penalty, and to have John Shorey and Nancy Miller negotiate terms on remaining CDs. Second by Ernie Thurman. M/S/C.
6. John Shorey discussed the need for an additional computer in the office. This had been approved at a past meeting. The Board agreed the motion was still active & a computer purchase of \$2000.00 or less would be approved per the previous action of the Board.
7. John Shorey provided a summary on the new ND BCI requirements regarding Criminal History Record Information (CHRI) and fingerprinting protocols. John advised ND BCI would now be completing audits of agencies that receive CHRI. John advised ND PISB had to put into place protocols to be in compliance with ND BCI requirements. John advised CHRI cannot be stored or sent electronically unless there is a certain level of encryption, which the Board does not have. John advised a new protocol was put into place for executive committee appeal reviews to be in compliance. John advised there was also a new release form that needed to be utilized. John advised a new fingerprint protocol and form was also put in place. John stated a list of all people with access to CHRI was sent to ND BCI and that all people on the list will need to complete online training. John advised ND PISB signed a user agreement & listed a Noncriminal Agency Contact (NAC) which is himself. John advised they would work with agencies and applicants on the new procedures.
8. QuickBooks training for the office staff was discussed since they are looking at taking over the accounting that is now being outsourced. Nancy Miller made a motion to approve up to \$500.00 for QuickBooks training for John Shorey and Mary Swanson. Second by Mike Westsch. M/S/C

9. John Shorey brought up the protocol for picking up registration cards for discussion. Previously it was decided to mail all registration/license cards. John Shorey brought up allowing agencies to pick up cards using a lockbox where they would sign a log when they pick them up. Ernie Thurman made a motion for a change in protocol to allow agencies to pick up cards & for ND PISB to purchase a lockbox up to \$175.00. Second by Randy Ziegler. M/S/C.
10. Monte Rogneby and John Shorey reported on the ND Indian Affairs Commission conference call that occurred on May 10, 2018. John Shorey stated the Board received a request from the ND Indian Affairs Commission for a telephone conference. John stated he and Monte had the telephone conference regarding a North Dakota licensed security agency that had an incident on an Indian reservation (MHA Nation). John stated he gave the basics on licensing procedures through ND PISB and other information requested by call attendees. John stated Monte Rogneby responded to the question of ND PISB's authority on tribal land. Monte stated without doing further research his opinion was that the Board does not have authority to regulate private security on tribal land. Monte stated he thought the Board was brought into it as a liaison between the State of North Dakota and the tribe. Monte stated he didn't believe there was any ongoing issue that the Board needed to be concerned about.
11. John Shorey discussed the provider and agency license application of Barbara Bailey/Northland Legal Processing and Security, LLC. John stated Barbara is currently employed with the North Dakota State Penitentiary. John stated he had inquired from Barbara if her employment with the Penitentiary would prohibit her from holding a security agency license due to her having police-powers or access to law enforcement records. John stated Barbara indicated to him she did not have police-power or access to law enforcement records. John stated he was bringing the issue to the attention of the Board as members might have insights on if her employment with the Penitentiary would prohibit her from holding a license. Chairman Mike Stensrud suggested to John for him to contact Barbara's supervisor at the Penitentiary and pose the question to them.
12. Monte Rogneby provided an update on the Administrative Rules changes. Monte advised the changes are set to go before the Administrative Rules Committee in June for final approval. Monte stated he believed everything had been submitted and didn't anticipate any issues.
13. Monte Rogneby reported on the criminal prosecution of Richard Anderson. Monte advised Anderson was prosecuted for Providing Private Security Services Without a License during the DAPL protests by the North Dakota Attorney General's Office. Monte advised the case was resolved by a pretrial diversion agreement.
14. Monte Rogneby stated he did not have an update on the J-N-T Security unregistered employees violations and there would be some movement on the matter within a week.
15. Mike brought up the agenda item TigerSwan and Monte suggested the Board go into executive session. Lynn Boughey said he would like to address the Board before going into executive session and objected to the Board going into executive session. Monte advised Lynn nor his client have the right to address the Board. Monte commented that the Board allowing Lynn and his client to have a back and forth with the Board is highly unusual. Monte stated Lynn doesn't have a right to object to the Board going into executive session. A motion was made by Randy Ziegler to close the meeting for an executive session for attorney-client consultation concerning TigerSwan update. Second by Ernie Thurman. Roll call vote was taken and it was unanimous. The executive session began at 11:45 a.m. The executive session ended at 12:14 p.m. The general public was invited back in for the open session of the meeting. The board then took a short break. Mike Wetsch left the meeting at 12:16 p.m.

16. Mike Stensrud informed Lynn Boughey the Board had given him and his client fifteen minutes to address the Board. Lynn stated they would like to resolve this in its entirety. Lynn stated their position was that they did not violate North Dakota law. Lynn stated TigerSwan would like to obtain a North Dakota license because the action in North Dakota are being used against them in other states. Wesley Fricks addressed the Board and stated by the work they did TigerSwan did not mean to run afoul of any laws. Wesley stated they would love to work with the Board to get this matter resolved.
17. A motion was made by Ernie Thurman to close the meeting for an executive session for attorney-client consultation concerning Advance Security and William Gordon, B & C Security, TigerSwan, and Leighton Security. Second by Randy Ziegler. Roll call vote was taken and it was unanimous. The executive session began at 12:35 p.m. The executive session adjourned at 1:05 p.m. The general public was invited back for the open session of the meeting.
18. Board Treasurer Nancy Miller gave the financial report. Total assets as of April 30th, 2018 is \$120,924.87. Total CD's at \$121, 529.70 and total checking \$14, 083.77. Profit and Loss for the month of April 2018 was a net loss. Nancy commented renewal season was approaching and that would help the financials. Nancy said she had reviewed the financial statements and bank statement and everything appeared to be in order. Randy Ziegler made a motion to accept the financial report; second by Ernie Thurman. M/S/C.
19. In other Board business John Shorey advised Mary Swanson is typically in the office from 9:00 a.m. to 3:00 p.m. John advised he is typically in the office from 9:00 a.m. to 2:30 p.m. John stated the Board's office hours from 9:00 a.m. to 3:00 p.m. was placed on the Board's website. John Shorey also advised there are two potential violations that are currently being investigated by ND PISB.
20. Next board meeting will be August 21st, 2018 at Sanford Officer's Training Center in Mandan, ND at 11:00 a.m.
21. Nancy Miller asked about a timeline for the administrative rule changes. John provided information he was provided by Justin Hagel. John advised the Board received approval from the ND A.G.'s Office on the proposed rules and the Board's summary letter was sent to the Legislative Council's Office to be added to the agenda of the Administrative Rules Committee. John stated the Administrative Rules Committee meeting was set for June 14, 2018 and he and Justin would both be in attendance.
22. Monte Rogneby informed Lynn Boughey that the Board would like TigerSwan to send a settlement proposal. Lynn stated TigerSwan already had. Lynn stated TigerSwan would send another proposal. Monte stated the previous settlements that have been submitted by TigerSwan are not acceptable to the Board. Monte stated once the Board receives a settlement proposal from TigerSwan a conference would be scheduled between Board representatives and representatives of TigerSwan. Wesley Fricks asked if a timeline could be established. Monte stated once the Board received something the Board would schedule something within a week. Lynn said he would have something to the Board by this coming Monday. Monte stated he thought it was important to get some sort of communication with representatives of TigerSwan. Wesley responded that he was present. Monte replied that this wasn't the forum for settlement discussions. Lynn stated he had a request that when they do receive a response that the entire Board is involved. Lynn stated in the last three months they feel the Board hasn't been the entity making the decisions and they really are the ones that need to. Monte stated the entire Board has been involved. Monte commented that he has been doing this a long time and he makes sure his clients are informed of what they need to know. Monte stated that Executive Director Shorey does his job and the Board doesn't need TigerSwan to tell them how to handle their side of the case. Lynn stated he

would like to meet with the entire Board and sit down and discuss a settlement. Mike Stensrud stated to Lynn to send the Board their best offer and the Board would review it and then have a conference.

23. Ernie Thurman made a motion to adjourn the meeting. Second by Randy Ziegler. M/S/C. Meeting adjourned at 1:32 p.m.



Chairman
vice

9-5-18
Date



NDPISB Executive Director

8-31-18
Date



NDPISB Administrative Assistant

8-31-18
Date