

MINUTES
September 4, 2020
10:30 A.M.
ND PISB Board Meeting-Zoom Video Conference
NDPISB

1. Chairman Mike Wetsch called the meeting to order at 10:33 a.m. Board members present: Mike Wetsch, Ernie Thurman, Randy Ziegler, Jason Nelson, Dale Maixner, Steven Lundin, and Justin Blinsky. Board members absent: None. Others present: Executive Director John J. Shorey III, Board Legal Counsel Monte Rogneby, North Dakota Assistant Attorney General Allyson Hicks, Attorney Lynn Boughey, James Reese, Christopher Sahr and later, John LaDelfa, and others not identified.
2. John suggested to Chairman Mike Wetsch, as has been done in the past, to move around the agenda to accommodate individuals in attendance. John suggested the Board to start with agenda item # 24, ND PISB v. TigerSwan, LLC and James Patrick Reese-Consider Recommended Decision from Office of Administrative Hearings. Attorney Lynn Boughey interrupted and advised he respectfully asked the Board to hold off on this agenda item, as he was going to contact his clients when the Board got to that agenda item as they wanted to be present and answer any questions the Board may have. James Reese spoke up and advised he was present. Attorney Lynn Boughey advised he would text his other client, and requested the Board move to other agenda items in the meantime.
3. Minutes were reviewed from the May 19, 2020 regular Board meeting and the July 21, 2020 special Board meeting. Dale made a motion to approve both minutes. Seconded by Ernie. A roll call vote was taken, and it was unanimous to approve the motion.
4. John advised he did not have an update to report with Phenix Investigations, Inc.-Potential unlicensed private investigative activity. John advised this was due to renewal season and workload in the Board's Office.
5. John advised he did not have an update to report with the Complaint by Kirby Sandvik with A.S.P of Moorhead, Inc. against Sentry Security, Inc. and the A.S.P. of Moorhead, Inc. d/b/a A.S.P. of West Fargo unregistered employee violation which were tied together. Again, John advised this was due to renewal season and workload in the Board's Office.
6. John advised Carbonite had been installed on the Board's laptop computer.
7. John advised the Board's new website went live in July 2020 and he was still working out some of the kinks with it, but all in all he thought it was going well. Mike advised he did get a change to look at the website, but did not dig too deep into it.
8. John provided an update with the licensing exams protocols due to COVID-19. John advised at the last regular meeting the Board decided not to make any changes. John said since then, with the COVID-19 pandemic getting worse, with the approval of the Chairman, they have allowed two out of state applicants to take their respective licensing exams at their location being proctored by a third party. John advised he was handling these situations on a case-by-case basis in consultation with the Chairman.
9. John advised he had no update on the volunteer security questions.
10. John advised he had no update on the licensing exams and study guides.
11. John advised the stipulation with 701 Investigations and Jon Jacobson was fully executed. John suggested that Monte compose a letter to the complainants with the disposition of this matter. Monte advised he could compose a letter with a copy of the stipulation to the complainants unless someone objected. No Board members objected. Mike commented to complete the letter to give the complainants some closure.
12. Attorney Lynn Boughey advised both James Reese and John LaDelfa were present via Zoom and the Board could proceed with agenda item # 24, ND PISB v. TigerSwan, LLC and James Patrick Reese-Consider Recommended Decision from Office of Administrative Hearings. Steven Lundin advised he was going to recuse himself from this matter. Assistant Attorney General Allyson Hicks introduced

herself to the Board. Allyson advise she was appointed by the Solicitor General to act as Temporary General Counsel to advise the Board on the consideration of the recommended decision from the ALJ in this matter. Allyson advised several items have been filed that will need to be addressed at the meeting. Allyson asked Lynn about the petition for reconsideration that was filed. Allyson asked if that was filed with the ALJ or if he was intending to file that with the Board. Lynn asked he was asking the ALJ to take it up, but that it should also go to the Board. Lynn addressed the Board regarding the petition for reconsideration and other items that were filed. Monte then addressed the Board regarding the petition for reconsideration and other items that were filed. Allyson advised there was a motion for recusal of the Board before the Board. Allyson advised the Board was going to need to vote on it. Allyson advised Steven Lundin already recused himself. Lynn discussed the recusal matter before the Board. Ernie made motion to accept Steven Lundin's recusal. Dale seconded. A roll call vote was taken, and it was unanimous to approve the motion. Allyson then discussed Randy Zeigler's recusal. Randy advised he did not recall being briefed by TigerSwan during DAPL. Lynn then discussed Randy Zeigler's recusal and indicated Randy was involved with 10-Code. Allyson pointed out to Lynn that in his motion he made that allegation against Steven Lundin, not Randy Zeigler. Monte talked about Randy Zeigler's recusal and Randy's employment during DAPL was with Bismarck PD and not 10-Code. James Reese asked the Chairman if he could address the Board. The Chairman agreed. James Reese advised regarding Randy Zeigler's recusal. James Reese advised that TigerSwan worked daily with personnel with Bismarck PD and Bismarck PD was privy to their reports. James advised with Randy Zeigler's employment with Bismarck PD they believed there was a conflict. Allyson advised she would like to consult with the Board in executive session and provide privileged legal advice. Lynn address the Board regarding the recusal matter. A motion was made by Dale to close the meeting for an executive session for attorney consultation (44-04-19.1(2)) concerning ND PISB v. TigerSwan, LLC and James Patrick Reese-Consider Recommended Decision from Office of Administrative Hearings. Justin Seconded. A roll call vote was taken, and it was unanimous to go into executive session. The executive session began at 11:10 A.M. The executive session adjourned at 11:25 A.M. The public was invited back for the open session of the meeting. Chairman Wetsch allowed Lynn to address the Board regarding Randy Zeigler's recusal, which he did. Dale made a motion for Randy Zeigler not to recuse himself as to prior findings by the administrative law judge and prior determinations by the Board. Ernie seconded. A roll call vote was taken, and it was unanimous to approve the motion. Randy did not vote on the motion.

13. Allyson suggested the next item for consideration would be the respondent's motion for an evidentiary hearing. Lynn asked the Chairman to be heard on the motion. The Chairman denied Lynn's request to be heard. Randy made a motion that the Board does not allow an evidentiary hearing. Jason seconded. Lynn again asked to be heard on the matter and the Chairman denied. A roll call vote was taken, and it was unanimous to approve the motion.
14. Allyson discussed the document: order on motion for sanctions and notice of noncompliance from the ALJ. The Board allowed both Monte and Lynn to provide oral arguments for six minutes each. Monte and Lynn provided oral arguments. James Reese asked to address the Board. The Chairman denied that request. Monte asked to address the Board as a rebuttal. The Chairman agreed and advised he would also give Lynn another two minutes after Monte. Monte addressed the Board. Lynn then addressed the Board.
15. John advised the Chairman that he just noticed that James Reese sent him a text message via Zoom and asked the Chairman how he wanted to handle it. Lynn apologized and stated he did not know James was going to do that. The Chairman advise he needed to keep the meeting moving and was not going to address the message. A motion was made by Jason to close the meeting for an executive session for attorney consultation (44-04-19.1(2)) concerning ND PISB v. TigerSwan, LLC and James Patrick Reese-Consider recommended Decision from Office of Administrative Hearings. Randy Seconded. A roll call vote was taken, and it was unanimous to go into executive session. The executive session began

at 12:14 P.M. The executive session adjourned at 12:48 P.M. The public was invited back for the open session of the meeting.

16. Justin made a motion for Monte to submit an affidavit of attorney's fees and costs for the TigerSwan Administrative Case. Randy seconded. Randy stated he believed he could speak for the full Board that the Board did not feel comfortable moving forward until it knew what the attorney's fees and costs were. A roll call was taken, and it was unanimous to approve the motion.
17. John addressed the Chairman and advised as their Executive Director, he would suggest the Board at least know what the costs incurred to the Office of Administrative Hearings in the TigerSwan matter were.
18. Dale made a motion to have the Board submit the costs to the Office of Administrative Hearings for the TigerSwan matter for the record, and to distribute the costs to Lynn and Monte for review. Ernie seconded. A roll call vote was taken, and it was unanimous to approve the motion.
19. Dale made a motion to continue the TigerSwan matter for a later date and time to be noticed. Justin seconded. A roll call vote was taken, and it was unanimous to approve the motion.
20. Lynn and Allyson left the meeting at this time. John suggested a five-minute break and the Chairman agreed.
21. John summarized the Christopher Sahr and Proven Justice agenda item. John advised one of the issues was the proposed structure of Proven Justice as a non-profit. Chris addressed the Board along with describing the structure of Proven Justice. Monte advised the only thing he could think of, is how the not for profit is held, regarding the ownership and/or corporate officer requirements for agency licensing. Chris advised the ownership would typically fall to the founder or CEO of a non-profit, and he would be both in this case. Chris advised there would be a Board for the non-profit of four people. Monte advised he and John could review what Chris had submitted as far as the structure and get back to Chris with any concerns.
22. Ernie provided the financial report. Ernie advised as of July 21, 2020 the total assets were \$5,766.75. Ernie advised the P&L for July 2020 was -\$6,851.27. Ernie advised there were outstanding legal fees with the Vogel Law Firm. John advised there would be income with the renewal season that was currently going on. Monte advised he was fine carrying the outstanding legal fees. Justin made a motion to approve the financial report. Dale seconded. A roll call vote was taken, and it was unanimous to approve the motion.
23. Monte provided an update with the Administrative Rules. Monte advised Justin Hagel has been the point person for the Administrative Rules. Monte advised the notice publications for the rules had an error and they had to be republished. Monte advised in addition to the error, the address of the Board in the notice publications was incorrect also. Monte advised the firm would cover the costs of the notice publications due to their error. Monte advised this will be reflected as a credit on their invoices. Monte advised he would follow-up with Justin on where things were currently at and would report back to John.
24. Monte advised there was a considerable amount of time that he and John had put into ongoing matters of the Board. Monte and John advised due to this they did not have updates for the following agenda items: # 11 Jeffery Johnson, Registered Investigator-Disorderly Conduct & Violate No Contact Order Stay of Adjudication Update, # 21 Nocturnal Resources Update, # 22 Harvest Security Solutions, LLC/HSS Investigations, Jonathan Pumphrey, and David Boelke Private Investigative Services Inquiry Update, and # 23 Matthew Beauchene Potential Unlicensed Private Investigation Activity Update.
25. John advised a new application page 1 has been implemented that had the required question regarding military spouses on the application. John advised he found a different licensing Board in ND and mirrored their question regarding military spouses. John advised the change was implemented with the Chairman's approval.
26. John advised Flynn & Associates had been providing account services to the Board. John advised he was having issues with getting a hold of the individual that was assigned to them with Flynn &

Associates. John advised he later found out that the individual who was assigned to the Board was no longer with Flynn & Associates. John advised he learned that part of the reason why this individual was no longer with Flynn & Associates was this individual was not following up with clients. John advised a new individual with Flynn & Associates, Mille Kaufman, had been assigned to work on Board matters. John advised Mille has been good to work with. John advised Mille recently told him she is no longer able to service the Board on the Flynn & Associates side but could continue to service the Board on her own business side, which is MEK Bookkeeping Services. John advised he had Mille draft an engagement letter for the Board's review and possible approval. John advised the Board has never received an invoice from Flynn & Associates for the work they have done for the Board. John advised with the engagement letter that was sent out to Board members there was an invoice from MEK Bookkeeping Service for the work they have done for the Board. John suggested they enter into the engagement letter with MEK Bookkeeping service and pay the invoice. Steven made the motion for the Board to enter into an agreement with MEK Bookkeeping service and for the Chairman to sign the engagement letter on behalf of the Board. Ernie second. A roll call vote was taken, and it was unanimous to approve the motion. The Board directed John to pay the invoice.

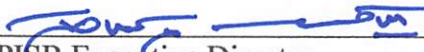
27. John summarized the information on FARB Regulatory Law Seminar-Virtual-October 1-3, 2020. John advised he thought it would be beneficial for the Board to have Monte attend. Monte advised he did not know if he would be able to attend due to his schedule. Monte advised if he were able to attend his proposal would be for the Board to pay half the costs, and he and the firm would cover the other half. Monte advised he would not charge the Board for his time to attend the conference. Randy made a motion to approval Monte's proposal to attend the conference if he could and pay half of the costs. Justin seconded. A roll call vote was taken, and it was unanimous to approve the motion.
28. John advised due to the workload at the office he was not able to do any work on this agenda item yet, but that there was an unregistered employee violation with Allied Universal Services. John advised it was on the agenda as an information item for the Board. John advised before the meeting Steven Lundin reached out to him and advised he would be recusing himself from the matter. Steven advised his agency, 10-Code, LLC has a relationship with Allied Universal Security, hence the recusal.
29. John advised due to the workload at the office he was not able to do any work on this agenda item yet, but that there was a potential unlicensed security activity with StoneWall Security. John advised it was on the agenda as an information item for the Board.
30. John summarized the information on the IASIR Virtual 2020 conference. John advised the registration was free. John suggested to Board members to attend if they can. John advised with renewal season going on he did not know if he would attend.
31. John summarized the letter received from the ND Legislative Council regarding prefilings of bills for the 2021 legislative session.
32. The next regular Board meeting is on November 17, 2020 at 9:00 A.M.
33. John advised with the new requirements and procedures with licensing and registration he got behind and has a backlog of issues from the 2019 renewal season he is still working on. John advised he had been keeping the Board Chairman updated on the backlog. John advised the backlog has affected the 2020 renewal season. John advised he had been limiting Administrative Assistant Mary Swanson time in the office due to budgetary concerns and COVID-19. John advised the ongoing matters before the Board have taken up a lot of his time. John advised currently there are three agencies that are required to submit rosters to the Board for review. John advised he was behind on processing those as well. John advised he was looking for some direction for the Board if there are any discrepancies, if those all needed to come to the full Board, or if only discrepancies that uncovered unregistered or unlicensed activity needed to come to the full Board. The Board directed John to only bring discrepancies that uncovered unlicensed or unregistered activity to the full Board. The Board advised all other discrepancies could be handled at the Executive Director level. Monte advised he was fine with this course of action.

34. Justin made a motion to adjourn the meeting. Randy seconded. A roll call vote was taken, and it was unanimous to approve the motion. The meeting adjourned at 1:53 P.M.



Chairman

11-18-20
Date



NDPI SB Executive Director

11-17-2020
Date