



# Board of Peace Officer Standards and Training

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## BOARD MEETING MINUTES

October 24, 2024

### Members Present

Chair Luke Hennen  
Andrew Evans  
Jason Bennett  
Jim Yang  
Justin Terrell  
Kelly Phillips  
Nigel Perrote  
Scott Kent  
Shawn Williams  
Shelly Schaefer  
Stephanie Revering  
Tad Farrell  
Troy Wolbersen

### Staff Present

Alicia Popowski  
Angie Rohow  
Erik Misselt  
Jonathan Hoff  
Katie Cederstrom  
Michelle Haggberg  
Mike Monsrud  
Mike Cumiskey  
Michael Sullivan  
Rob Skoro  
Schyler Beaty  
Shari Bartness

### Members Excused Absence

Jennifer Foster  
Stephanie Burrage  
Tanya Gladney

### Counsel Present

David Cullen, A.G. Office  
Christopher Kaisershot, A.G. Office

### Others Present

Andrew Sparber (Variance Request)  
Winston Martinez (Variance Request)  
Rodrigo de Castro Moreira (Variance Request)

1. **Call to order:** Chair Hennen called the meeting to order on October 24, 2024 at 10:06 a.m.
2. **Call to Introduction to meeting tablet and accessing Board materials via SFTP login:** Ms. Bartness announced technical issues with SFTP and meeting recording not available.
3. **Approval of the agenda:** Chair Hennen asked for a motion to approve the agenda.
  - **MOTION:** Mr. Evans made a motion to approve the agenda. Ms. Holtberg seconded the motion. The motion was approved via unanimous voice vote.
4. **Approval of the Board meeting minutes on July 25, 2024:** Chair Hennen asked for a motion to approve the July 25, 2024 minutes.
  - **MOTION:** Chief Kent made a motion to approve the minutes. Dr. Williams seconded the motion. The motion was approved via unanimous voice vote.
5. **Introduction of new Board members:** Director Misselt announced new Board members; Dr. Stephanie Burrage and Mayor Tad Farrell.
6. **Presentation/ acceptance of ALJ decision:** Ms. Popowski provided a summary of the ALJ's decision and asked the Board for approval.
  - **MOTION:** Mr. Terrell made a motion to accept the ALJ's decision. Dr. Schaefer seconded the motion. The motion was approved via unanimous voice vote.

7. **Resolution to sign order adopting rule:** Ms. Popowski referred the Board to the adopting rule handout for part 6700.1600; Standards of Conduct; Revisor ID number 4850 that needs the Board's approval and signature.
  - **MOTION:** Ms. Holtberg made a motion to approve the adoption resolution. Mr. Yang seconded the motion. The motion was approved via unanimous voice vote.
  
8. **Variance request – Kelly DeBerg:** Ms. Cederstrom summarized Mr. DeBerg's variance request as he was not able to attend. Mr. DeBerg is a former Fargo, ND police officer with 7 years of experience. His law enforcement experience is more than 6 years old which disqualifies him for eligibility to take the reciprocity licensing exam.
  - **MOTION:** Chief Revering made a motion for the Board to deny the petitioner's request for a variance of Minnesota Rule 6700.0501, subp. 7, because the statutory criteria for a discretionary variance has not been met. Mr. Terrell seconded the motion. Motion passed to deny the variance.
  
9. **Variance request – Andrew Sparber:** Ms. Cederstrom summarized Mr. Sparber's variance request. Mr. Sparber was present for the meeting. Mr. Sparber is seeking a variance to allow him to take the reciprocity licensing exam. He has approximately 1.5 years of experience as a federal law enforcement officer, which is less than the 3 years of experience required for applicants with a post-secondary degree.
  - **MOTION:** Mr. Evans made a motion for the Board to grant the petitioner's request for a variance because the statutory criteria for a discretionary variance have been met and that the variance of Minnesota Rule 6700.0501, subp 7, be granted until June 2026 to take the reciprocity licensing exam. Chief Revering seconded the motion. Motion passed via unanimous voice vote.
  
10. **Variance request – Winston Martinez:** Ms. Cederstrom summarized Mr. Martinez's variance request. Mr. Martinez was present for the meeting. Mr. Martinez is seeking a variance to allow him to take the reciprocity licensing exam. He has just over 2 years of experience as a New York City police officer, which is short of the 3 years of experience required for applicants with a post-secondary degree.
  - **MOTION:** Mr. Terrell made a motion for the Board to deny the petitioner's request for a variance of Minnesota Rule 6700.0501, subp. 7, because the statutory criteria for a discretionary variance has not been met. Dr. Williams seconded the motion. Motion passed to deny the variance.
  
11. **Variance request – Chad Swanson:** Ms. Cederstrom summarized Mr. Swanson's variance request as he was not able to attend. Mr. Swanson is a former part-time license holder seeking a variance to waive the educational requirements to take the peace officer licensing exam.
  - **MOTION:** Dr. Schaefer made a motion for the Board to deny the petitioner's request for a variance of Minnesota Rule 6700.0500, subp. 3, because the statutory criteria for a discretionary variance has not been met. Mr. Terrell seconded the motion. Motion passed to deny the variance.
  
12. **Variance request – Eren Erbay:** Ms. Cederstrom summarized Mr. Erbay's variance request as he was not able to attend. Mr. Erbay has a Bachelor's degree, which is not currently recognized as it was not earned in the United States. He is requesting a variance on the definition of "school" so that he may move forward in the hiring process as a cadet for the Minneapolis Police Dept.
  - **MOTION:** Mr. Bennett made a motion for the Board to grant the petitioner's request for a variance because the statutory criteria for a discretionary variance have been met and that the variance of Minnesota Rule 6700.0100, subp 20. Chief Kent seconded the motion. Motion passed via unanimous voice vote.

13. **Variance request – Logan Adair:** Ms. Cederstrom summarized Mr. Adair’s variance request as he was not able to attend. Mr. Adair is seeking a variance to allow him to take the reciprocity licensing exam. He has just over 2 years of experience as a North Dakota police officer, which is less than the 3 years of experience required for applicants with a post-secondary degree.

- **MOTION:** Chief Kent made a motion for the Board to grant the petitioner’s request for a variance because the statutory criteria for a discretionary variance have been met and that the variance of Minnesota Rule 6700.0501, subp 7. Ms. Phillips seconded the motion. Ms. Bartness took a roll call vote with 7 “yes” votes to approve the variance, 6 “no” votes and one abstained vote.

Discussion ensued on whether the abstain vote is to be registered as a no vote.

- **MOTION:** Mr. Terrell made a motion for legal counsel, Mr. Cullen, to research an abstain vote and then come to a legal decision. Dr. Schaefer seconded. Motion passed.

14. **Variance request – Breck Ehlers:** Ms. Cederstrom summarized Mr. Ehlers’s variance request as he was not able to attend. Mr. Ehlers is seeking a variance to allow him to take the reciprocity licensing exam. He has 2 years 9 months of experience as a North Dakota police officer, which is 3 months short of the 3 years of experience required for applicants with a post-secondary degree.

- **MOTION:** Mr. Bennett made a motion for the Board to grant the petitioner’s request for a variance because the statutory criteria for a discretionary variance have been met and that the variance of Minnesota Rule 6700.0501, subp. 7, be granted with a chance to take the PPOE exam 3 times. Mr. Perrote seconded the motion. The motion was approved via unanimous voice vote.

15. **Variance request – Rodrigo de Castro Moreira:** Ms. Cederstrom summarized Mr. de Castro Moreira’s variance request. Mr. de Castro Moreira was present for the meeting. Mr. de Castro Moreira Moreira is seeking a variance to allow him to take the reciprocity licensing exam. He has 20 years of law enforcement experience in Sao Paolo, Brazil which does not meet the definition of a "law enforcement officer" in current rule.

- **MOTION:** Chief Revering made a motion for the Board to deny the petitioner’s request for a variance of Minnesota Rule 6700.0501, subp. 3, because the statutory criteria for a discretionary variance has not been met. Dr. Williams seconded the motion. Motion passed to deny the variance.

16. **Variance request – Jaaron Kamp:** Ms. Cederstrom summarized Mr. Kamp’s variance request as he was not able to attend. Mr. Kamp is seeking a variance to allow him to take the reciprocity licensing exam. He has approximately 1 year and 8 months of experience as a North Dakota police officer, which is less than the 3 years of experience required for applicants with a post-secondary degree.

- **MOTION:** Mr. Evans made a motion for the Board to deny the petitioner’s request for a variance of Minnesota Rule 6700.0501, subp. 7, because the statutory criteria for a discretionary variance has not been met. Chief Revering seconded the motion. Motion passed to deny the variance.

17. **Variance request – Kyla Jackson:** Ms. Cederstrom summarized Ms. Jackson’s variance request as she was not able to attend. Jackson is seeking a variance to allow her to take the reciprocity licensing exam. She has approximately 1.5 years of experience as a Fargo, North Dakota police officer, which is short of the 3 years of experience required for applicants with a post-secondary degree.

- **MOTION:** Mr. Evans made a motion for the Board to deny the petitioner’s request for a variance of Minnesota Rule 6700.0501, subp. 7, because the statutory criteria for a discretionary variance has not been met. Chief Revering seconded the motion. Motion passed to deny the variance.

18. **Variance request – Stephanie Roberts:** Ms. Cederstrom summarized Ms. Roberts’s variance request as she was not able to attend. Roberts is seeking a variance to allow her to take the reciprocity licensing exam. She has just over 2 years of experience in law enforcement in California which is short of the 3 years of experience required for applicants with a post-secondary degree.

- **MOTION:** Mr. Bennett made a motion for the Board to grant the petitioner’s request for a variance because the statutory criteria for a discretionary variance have been met and that the variance of Minnesota Rule 6700.0501, subp 7. Chief Kent seconded the motion. Ms. Bartness took a roll call vote with 5 “yes” votes to approve the variance and 9 “no” votes. The variance was denied.

19. **Executive Director report:** Director Misselt spoke about the following:

- Board decision was upheld for the Winsell case.
- FY23-24 Biennial report distributed to the Board members.
- IT Project– CE project to bring all forms and CE approval process online.
- Legislative update – budget session. Will be requesting edits of 626.84 to have statute language in line with rule making.
- IT Budget – to rebuild Salesforce exclusively for POST instead of sharing the platform with other state agencies.
- Staffing update – Assistant Executive Director, Michael Monsrud retires in December 2024. Will be hiring a 1-2 year contract position for writing curriculum.
- PPOE standardization being worked on currently.
- SRO policy done. Will be addressing at the next Board meeting on 11/7/24.

20. **Licensure matters (closed to the public)**

21. **Licensure hearing – Wyfells:** Mr. Kaisershot presented arguments and a closing statement during the open portion of the meeting.

22. **Deliberations - Wyfells (closed to the public)**

23. **Licensure hearing – Tinsley:** Mr. Kaisershot presented arguments and a closing statement during the open portion of the meeting.

24. **Deliberations – Tinsley (closed to the public)**

25. **Adjournment:** Meeting adjourned at 2:00 p.m.