

NORTH DAKOTA DETECTION OF DECEPTION EXAMINERS ADVISORY BOARD  
Office of Attorney General

**MINUTES**

Special Meeting  
September 21, 2020  
Microsoft Teams

Time Called to order: 1:31 pm  
Time Adjourned: 2:29 pm

Present: Mark Nickel (Chair), Joe Arenz, Shaun Burkhartsmeier, Steve Gutknecht, Rory Suby, Derik Zimmer, Paul Emerson (Assistant AG)

**AGENDA**

- 1. Review applications and make recommendation for licensure/renewal.**  
Applications are reviewed by the board, which makes a recommendation to the Attorney General for approval or denial of the application.

RENEWAL APPLICATIONS

<b>ARENZ, JOSEPH</b>	<b>DISCUSSION:</b> None			
Motion to approve/deny application:	Nickel	2 <sup>nd</sup>	Zimmel	
<b>Vote</b>	<b>Approve</b>	<b>Deny</b>	<b>Abstain</b>	
NICKEL	X			
ARENZ				X
BURKHARTSMEIER	X			
GUTKNECHT	X			
SUBY	X			
ZIMMEL	X			
<b>BURKHARTSMEIER, SHAUN</b>	<b>DISCUSSION:</b> None			
Motion to approve/deny application:	Nickel	2 <sup>nd</sup>	Arenz	
<b>Vote</b>	<b>Approve</b>	<b>Deny</b>	<b>Abstain</b>	
NICKEL	X			
ARENZ	X			
BURKHARTSMEIER				X
GUTKNECHT	X			
SUBY	X			
ZIMMEL	X			
<b>BURNS, WES</b>	<b>DISCUSSION:</b> None			
Motion to approve/deny application:	Nickel	2 <sup>nd</sup>	Arenz	
<b>Vote</b>	<b>Approve</b>	<b>Deny</b>	<b>Abstain</b>	
NICKEL	X			
ARENZ	X			
BURKHARTSMEIER	X			
GUTKNECHT	X			
SUBY	X			
ZIMMEL	X			

<b>GUTKNECHT, STEVE</b>		<b>DISCUSSION:</b> None		
Motion to approve/deny application:	Nickel	2 <sup>nd</sup>	Arenz	
	<b>Vote</b>	<b>Approve</b>	<b>Deny</b>	<b>Abstain</b>
	NICKEL	X		
	ARENZ	X		
	BURKHARTSMEIER			
	GUTKNECHT	X		X
	SUBY	X		
	ZIMMEL	X		

<b>JORDAN, RODERICK</b>		<b>DISCUSSION:</b> None		
Motion to approve/deny application:	Nickel	2 <sup>nd</sup>	Arenz	
	<b>Vote</b>	<b>Approve</b>	<b>Deny</b>	<b>Abstain</b>
	NICKEL	X		
	ARENZ	X		
	BURKHARTSMEIER	X		
	GUTKNECHT	X		
	SUBY	X		
	ZIMMEL	X		

<b>KLAUZER, KYLAN</b>		<b>DISCUSSION:</b> None		
Motion to approve/deny application:	Nickel	2 <sup>nd</sup>	Arenz	
	<b>Vote</b>	<b>Approve</b>	<b>Deny</b>	<b>Abstain</b>
	NICKEL	X		
	ARENZ	X		
	BURKHARTSMEIER	X		
	GUTKNECHT	X		
	SUBY	X		
	ZIMMEL	X		

<b>LAUDENSCHLAGER, JAY</b>		<b>DISCUSSION:</b> Few sections on app not completed. Paul suggested a letter to be sure all sections on the application are fully completed in the future.		
Motion to approve/deny application:	Nickel	2 <sup>nd</sup>	Arenz	
	<b>Vote</b>	<b>Approve</b>	<b>Deny</b>	<b>Abstain</b>
	NICKEL	X		
	ARENZ	X		
	BURKHARTSMEIER	X		
	GUTKNECHT	X		
	SUBY	X		
	ZIMMEL	X		

<b>LENERTZ, PATRICK</b>		<b>DISCUSSION:</b> None		
Motion to approve/deny application:	Nickel	2 <sup>nd</sup>	Arenz	
	<b>Vote</b>	<b>Approve</b>	<b>Deny</b>	<b>Abstain</b>
	NICKEL	X		
	ARENZ	X		
	BURKHARTSMEIER	X		
	GUTKNECHT	X		
	SUBY	X		
	ZIMMEL	X		

**MAIXNER, DALE** **DISCUSSION:** None  
Motion to approve/deny application: Nickel 2<sup>nd</sup> Arenz  
**Vote Approve Deny Abstain**  
NICKEL X  
ARENZ X  
BURKHARTSMEIER X  
GUTKNECHT X  
SUBY X  
ZIMMEL X

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**NICKEL, MARK** **DISCUSSION:** None  
Motion to approve/deny application: Arenz 2<sup>nd</sup> Zimmel  
**Vote Approve Deny Abstain**  
NICKEL X  
ARENZ X  
BURKHARTSMEIER X  
GUTKNECHT X  
SUBY X  
ZIMMEL X

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**OKSENDAHL, ORIE** **DISCUSSION:** None  
Motion to approve/deny application: Nickel 2<sup>nd</sup> Arenz  
**Vote Approve Deny Abstain**  
NICKEL X  
ARENZ X  
BURKHARTSMEIER X  
GUTKNECHT X  
SUBY X  
ZIMMEL X

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**RACHEL, BOBBY JR** **DISCUSSION:** None  
Motion to approve/deny application: Nickel 2<sup>nd</sup> Arenz  
**Vote Approve Deny Abstain**  
NICKEL X  
ARENZ X  
BURKHARTSMEIER X  
GUTKNECHT X  
SUBY X  
ZIMMEL X

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**RUST, ROLLAND** **DISCUSSION:** None  
Motion to approve/deny application: Nickel 2<sup>nd</sup> Arenz  
**Vote Approve Deny Abstain**  
NICKEL X  
ARENZ X  
BURKHARTSMEIER X  
GUTKNECHT X  
SUBY X  
ZIMMEL X

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<b>STROMBERG, CAITLIN</b>		<b>DISCUSSION:</b> None		
Motion to approve/deny application: Nickel		2 <sup>nd</sup>	Arenz	
	<b>Vote</b>	<b>Approve</b>	<b>Deny</b>	<b>Abstain</b>
	NICKEL	X		
	ARENZ	X		
	BURKHARTSMEIER	X		
	GUTKNECHT	X		
	SUBY	X		
	ZIMMEL	X		
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<b>SUBY, RORY</b>		<b>DISCUSSION:</b> None		
Motion to approve/deny application: Nickel		2 <sup>nd</sup>	Arenz	
	<b>Vote</b>	<b>Approve</b>	<b>Deny</b>	<b>Abstain</b>
	NICKEL	X		
	ARENZ	X		
	BURKHARTSMEIER	X		
	GUTKNECHT	X		
	SUBY			X
	ZIMMEL	X		
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<b>ZIMMEL, DERIK</b>		<b>DISCUSSION:</b> None		
Motion to approve/deny application: Nickel		2 <sup>nd</sup>	Arenz	
	<b>Vote</b>	<b>Approve</b>	<b>Deny</b>	<b>Abstain</b>
	NICKEL	X		
	ARENZ	X		
	BURKHARTSMEIER	X		
	GUTKNECHT	X		
	SUBY	X		
	ZIMMEL			X

The Board's recommendations were submitted to the Attorney General Stenehjem for final decision on 09/24/20.

## 2. DISCUSS PROPOSED CHANGES TO DETECTION OF DECEPTION STATUTE AND ADMINISTRATIVE RULES

Emerson gave a general discussion on why statute changes were needed-primarily that the statute and administrative code overlapped in areas so to clean those areas up as well as update antiquated laws that have not been updated in many years.

Nickel discussed the specific amendments and why they were being changed/updated.

Opened to board discussion. Zimmel stated that the wording in the proposed statute changes in Amendment 5 should be the same as in the working copy and capitalize the American Polygraph Association (APA) and the American Association of Police Polygraphists (AAPP) and include their acronyms.

Nickel made a motion to approve legislative bill statute changes as reviewed and Arenz seconded the motion. Nickel, Arenz, Burkhartsmeier, Gutknecht, Suby and Zimmel all approved the proposed statute changes in the draft legislative bill.

Discussion was then held on potential changes to the administrative rules in the future. Paul stated this would not be done until after legislative session so that the law changes were finalized first. Mark discussed the potential changes and then opened for discussion. Zimmel brought up discussion on continuing education. All agreed there should be something in the administrative rules and there would need to be a decision on what that would look like.

**3. DISCUSS REVISIONS TO SFN 11416 APPLICATION FOR DETECTION OF DECEPTION EXAMINERS LICENSE**

Nickel and Paul agreed that the application would remain as is for now.

Motion to adjourn meeting made by Mark Nickel, 2<sup>nd</sup> by Derik Zimmel. Meeting adjourned at 2:29 pm.