

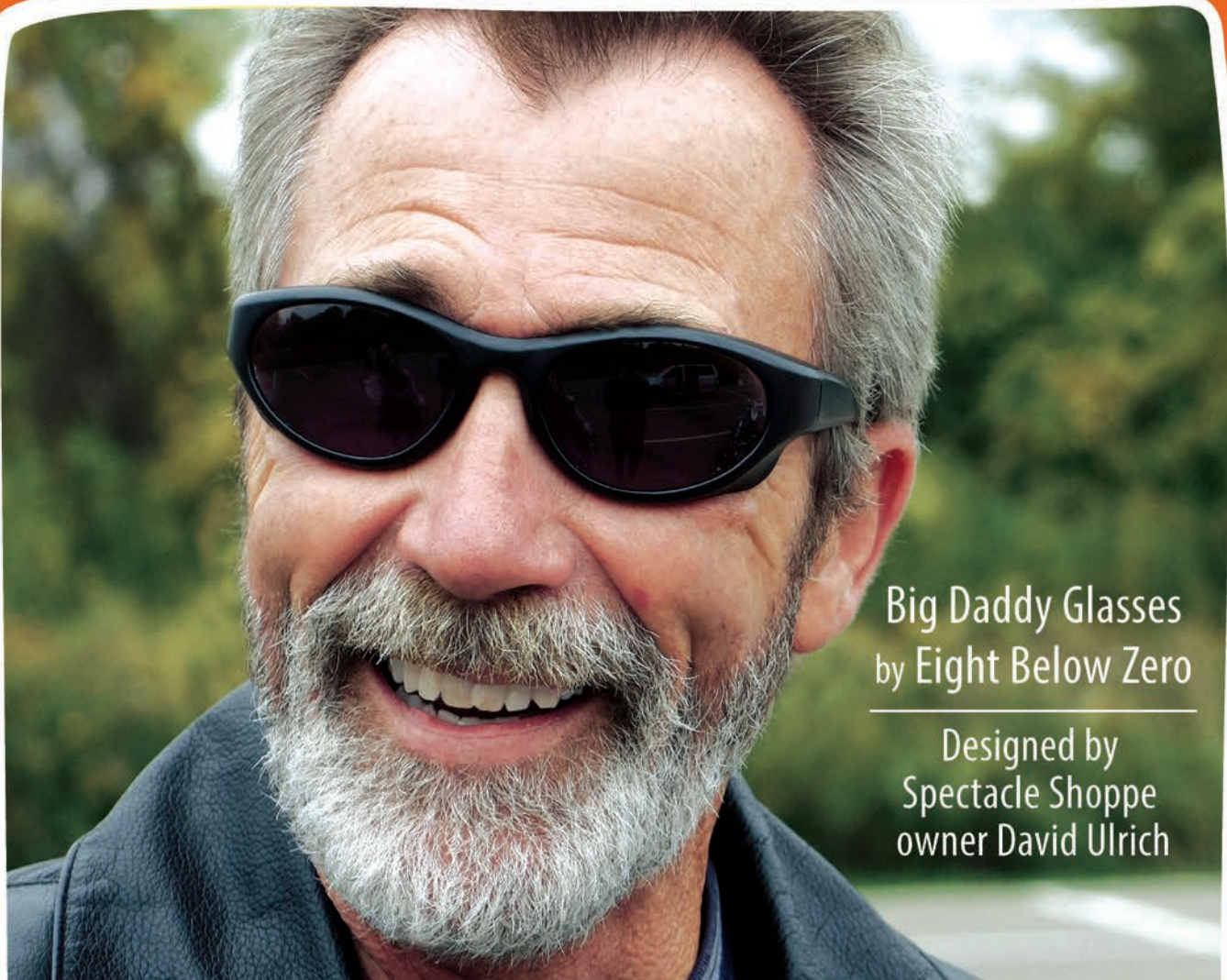
MINNESOTA TROOPER

Volume 36 • Number 2 • June 2020



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2020 TROOPER OF THE YEAR | PG 20



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MINNESOTA TROOPER

Minnesota Trooper is published three times annually by the Minnesota State Patrol Troopers Association.

2019-20 EXECUTIVE COUNCIL

- | | |
|--|---|
| President
Joe Dellwo
jsdellwosp446@gmail.com | Vice-President
Mike LeDoux
mjl55804@gmail.com |
| Secretary
Rick Harjes
rickharjes@hotmail.com | Treasurer
Daren Berglund
darbene@gmail.com |
| Northern Delegate-at-Large
Scott Braaten
sbmsp571@yahoo.com | Southern Delegate-at-Large
Pat Miles
pmiles860@hotmail.com |
| District 2000
Kelly Phillips
kphillips435@msn.com | District 2100
Todd Zynda
tdzynda@gmail.com |
| District 2200
Kenny Dellwo
kenneth.dellwo@gmail.com | District 2300
Rob Veldkamp
rveldkamp@gmail.com |
| District 2400
Blake Cederstrom
ceder02@yahoo.com | District 2500
Eric Maikkula
eric.maikkula@gmail.com |
| District 2600
Dan Beasley
mspta2600@gmail.com | District 2700
Jonathon Carlson
msp449@gmail.com |
| District 2800
Darcy Weinrich
darcyweinrich@yahoo.com | District 2900
Gerald Hanson
gbhanson@hotmail.com |
| District 3100
Travis Pearson
tpearson21@yahoo.com | District 3200
Jack Danielson
mspta150@paulbunyan.net |
| Business Manager
Mark Baker
bbuck239@gmail.com | |

On the Cover: Trooper of the Year Daniil Poptelecan

What does the MSPTA do for its Members?

This is what your \$16 per paycheck provides:

- Negotiate the MLEA Contract
- Representation during an Internal Affairs Investigation
- Representation at Critical Incident
- Lobbying at the Capitol
- Representation in the Grievance Process
- Guidance on Worker's Comp Issues
- Education in Retirement Planning
- The *Minnesota Trooper* Magazine
- Quarterly District Association Meetings
- Hardship fund for members who experience a unique hardship such as a natural disaster, illness, or loss of home due to a fire
- Membership into the Minnesota Police and Peace Officers Association including the Legal Defense Fund
- Membership into the National Trooper Coalition
- A voice on the State Patrol Equipment and Safety Committee



Joe Dellwo • MSPTA President

President's Report

State of the Association



For government units and many businesses, it is customary to submit a yearly report summarizing the state of the organization. As I have done every year of my presidency, I will describe the health of the MSPTA in this article for the Minnesota Trooper.

At the time of the writing of this article, we have 545 members. This number represents all Troopers below the rank of lieutenant. Secretary Rick Harjes, Vice President Mike LeDoux and I met with our newest members near the end of their academy training on March 24th. I am pleased to report we continue to have 100% membership in our association. Thank you members for our strong tradition of loyal support to the MSPTA. The MSPTA collectively bargains our work contract for the members. Members receive full association protection in all areas of the contract. And being a MSPTA member also enrolls you into the Minnesota Police and Peace Officers Association (MPPOA) including the Legal Defense Fund (LDF) and the National Troopers Coalition (NTC).

Financially our association continues to be in very strong standing. Our main sources of revenue are members' dues, phone solicitation, and return on our investments. This revenue is used by the MSPTA to provide the many services we offer for our members.

At only \$25 per pay period, our membership dues are extremely low. For our phone solicitation, we continue to use United Partners Outreach. They are a Minnesota company headquartered in Brainerd. Treasurer Daren Berglund, Vice President Mike LeDoux, South Delegate Pat Miles, and I meet annually with our financial adviser at Hiway Federal Credit Union. Our financial portfolio is well balanced and

diversified. Because of our long-term planning strategy, we are able to weather poor financial times currently facing everyone due to the COVID-19 Crisis. Please know that our Executive Council is extremely committed to protecting our assets and using our resources wisely. The MSPTA's financial stability give us strength and influence.

The MSPTA continues to be our most important voice at the legislature lobbying for Trooper issues. The three hours of vacation we each donate annually in August to the MSPTA makes our lobbying efforts possible. We simply could not perform this valuable function without the donated hours so another big thank you to the membership. We believe it is best to do our own lobbying at the Capitol instead of paying an outside lobbyist to speak on our behalf. No one understands the job of a Trooper better than a Trooper does. Legislators also appreciate hearing from real Troopers rather than a paid lobbyist. The MSPTA Legislative Delegates are Vice President Mike LeDoux, Southern Delegate Pat Miles, District 2600 Delegate Dan Beasley, and myself.

Throughout the 2019 and 2020 legislative sessions, we worked very hard addressing the compensation issues facing our Troopers. We testified before members of the legislature and made the point that Troopers provide an invaluable service across Minnesota with integrity and honor. We have had countless face to face meetings with legislators from both political parties. Because of our well-established reputation, both Democrat and Republican legislators ask our advice on many important law enforcement issues.

Thank you to our many members who also contact their state legislators asking them to support the bills that are important to

"And no other MLEA local association spends the amount of time and effort lobbying for their members like the MSPTA does."

the membership as a whole. Your involvement truly helps. As I have stated many times because we are state law enforcement officers, we have a unique relationship with state lawmakers not shared by other peace officers. **And no other MLEA local association spends the amount of time and effort lobbying for their members like the MSPTA does.** Collectively, our many hours of hard work continue to contribute to a strong and influential voice at the Capitol.

We continue to improve the communication between the Executive Council and the membership. Secretary Rick Harjes does an outstanding job as our webmaster and technology coordinator. He ensures important information gets to the membership in a timely manner. If you have not checked out our website, please do so. The address is www.mspta.com. Once you are registered, you will have access to a Troopers Only Section.

We have also been using Constant Contact to keep the membership updated. Rick is also developing a mobile app to keep the members even more informed. Our goal is to provide meeting minutes, the latest magazine articles and the latest information through the app. If you have any questions on the website, Constant Contact, or mobile app, please contact Rick.

The Minnesota Trooper is published three times a year with over 2200 copies delivered in February, June and October. Retired Trooper Mark Baker does a fine job as the coordinator for our

magazine. Each edition is mailed to active and retired troopers, state government officials, and friends of the State Patrol. If you have a change of your home or email address, please let Rick Harjes know so we can update our records.

Our magazine can be seen in the offices of prominent government officials. The Minnesota Trooper is a great way to show all the positive things troopers do on a daily basis across our state. Please consider contributing to it by submitting an article of interest to our readership. Share the good news happening in your area with your partners across the state. If you have any questions, please ask your district delegate or Mark for assistance in submitting an article.

Even with the COVID-19 Crisis, I can confidently state the MSPTA is in very good shape. Our future is bright. I am extremely proud of all the work the MSPTA does for the membership. It continues to be an honor and privilege to lead this fine association. I plan on continuing to work hard for the membership and give you my best effort until the day I retire.

In closing, please take care of yourself both physically and mentally. Be there for partners. Remember to stay alert, be cautious, drive within your capabilities, and make it home safely at the end of your shift. Live to use our well-earned pension.

◆ *Stay Safe.*
Joe #446

Jottings

- In January D2400 Delegate Jason Theel took a transfer to D4600 and was replaced by Ben Olson. In April Ben was promoted to a pilot position and has been replaced by Blake Cederstrom. Thanks to Jason and Ben for your service on the MSPTA Executive Council and welcome to Blake.
- Since the COVID-19 Crisis began in March, I have had weekly conference calls with NTC North Region (Minnesota, Iowa, Wisconsin, Michigan, Illinois, Indiana, Missouri, Kansas, Nebraska, and Ohio) association presidents. The information sharing between us as been very valuable. I routinely use the information in my discussions with Colonel Langer.

- Due to the COVID Crisis, there has been a large increase in people needing assistance from local food shelves. Accordingly, the MSPTA's Executive Council decided to make a donation to five regional Minnesota food shelves
- A reminder that in August, the MSPTA will do the annual 3 hour vacation draw from all non-probationary members. This donated time allows Executive Council members to do association work that cannot be done on state time.



Colonel Matt Langer

Colonel's Message



State Patrol Shines

As I sit down to write this column, there is one topic that is front and center occupying our daily lives – COVID-19. The pandemic has impacted every part of our personal and work lives. A wise person once told me that those in the law enforcement business tend to dislike two things more than anything else: 1) change and 2) the way things are. While a bit tongue in cheek, there is some truth to this not only in our profession, but across many other professions. My hope is that by the time this magazine arrives at your home or office, some of life as we knew it has resumed. At the same time, we fully realize that the impact of COVID-19 will persist much longer than we would like.

While we can speak endlessly about the challenges related to the pandemic, there is good to be found. Troopers are out stopping dangerous drivers and responding to crashes or calls for service. Commercial Vehicle Inspectors are out doing their important work. Capitol Security Officers are interacting with those who need to be at the Capitol. Dispatchers are keeping the calls flowing. Support staff members are showing their ingenuity as they telework while making sure the administrative functions of our agency continue seamlessly. The quality of our workforce shines on any given day, but especially during periods of challenge. Across the state, we have dedicated and talented members pulling together and getting the job done.

The fact that we have people out working hard in a different dynamic with dangers we have never faced before is extraordinary. Our work never stops. Although traffic volumes are down significantly during the stay at home order, the roads are still busy in different ways. Intercepting impaired drivers still remains a constant. The number of drivers traveling in excess of 100 miles per hour is up significantly. Sadly, a fair number of drivers have seized on the pandemic with the notion that the roads are lawless. The result has been an increase in fatal crashes (although not on the roads

with primary State Patrol jurisdiction.) I'm always honored to talk about the public value provided by the State Patrol. I believe that value to be exceptional across Minnesota all of the time, but it is especially highlighted right now during this unprecedented time. I have received many comments from the media, citizens, and legislators regarding the fact that they are thankful to see State Troopers on the road putting their safety second to our mission of keeping others safe.

We are fortunate to be part of a rich history, dating back to 1929, which has always focused on our core values. A few adjectives that correctly describe the State Patrol come to mind. Number one; reliability. We get the job done. Whether it is big or small, we take the call and get whatever is required of us done reliably and with excellence. Whether handling a call, moving PPE around the state, or providing SEOC security, the people of Minnesota can rely on the State Patrol. Number two; discipline. We stay focused and do not become easily distracted. Right out of the dictionary, we provide an orderly or prescribed conduct or pattern of behavior. People expect the State Patrol to be disciplined, and we deliver. Number three; diligent. We keep going, without letting obstacles prevent us from being successful. The value we provide Minnesota is immeasurable.

Although many of our vacation plans have been altered and might continue to be altered, please take your time off anyway and enjoy whatever it is that keeps you centered. The better you are feeling during your days off, the better you will be when you come back to work. Take care of each other and know that I am incredibly grateful and proud to be working with you. ♦



Our team of Thrivent Financial professionals is comprised of former law enforcement officers and military veterans. Having completed our public service careers, we now help officers, first responders, military personnel and their families craft financial strategies to help protect their loved ones while paving a road to retirement.

If you've devoted much of your life to keeping others safe, we've been in your shoes. We're highly familiar with your pension plan, investments, and other benefits. We can alert you to common misconceptions about those assets and help you understand what they likely will—and won't—provide.

Please join us at a “Five Keys to Retiring Fearlessly” workshop. We will cover critical retirement-related topics including:

- **Pension Maximization**—Will you get the most out of your pension?
- **PERA**—What is the best distribution strategy for you and your family?
- **Protection Needs**—Are you adequately covered?
- **Deferred Compensation**—What strategies are best to maximize your long-term investments?
- **Tax-Efficiency**—How do taxes play a role in retirement distribution?
- **Military Pension Buy-Back**—Are you equipped to make the best decision?

Free one-hour workshops will be held at 3 p.m. and 6 p.m. on the following dates:

February 4, 19 Prior Lake—Thrivent Office

February 6, 10 Eagan—Thrivent Office

February 17, 25 Golden Valley—Thrivent Office

March 2, 18 Prior Lake—Thrivent Office

March 4, 23 Eagan—Thrivent Office

March 16, 25 Golden Valley—Thrivent Office

Space is limited. Contact Valor Group to reserve your spot by calling 952-500-3429 or email ValorGroup@Thrivent.com. Please include with your RSVP your name(s), workshop location, date, and time.



Dan Athmann, FIC
Financial Associate
952-500-3429
dan.athmann@thrivent.com



John Stanger
Financial Associate
952-737-3913
john.stanger@thrivent.com



Rich Kirchoff, FIC, CLTC
Financial Consultant
952-447-1090
rich.kirchoff@thrivent.com

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Council View

Floyd Minnick

Legislation affecting the Minnesota State Patrol

At the time of this writing, the special session of the 1985 Legislature is not over, but I will attempt to provide you with an update on legislation affecting the patrol.

A priority of the Troopers Association at the start of the past session was to obtain hand-held radios (walkie-talkies). It appears now that the hand-held radios will become a reality. This issue was presented to the Legislature as a safety issue for troopers and, having nothing to trade, the radios had to go through on merit only.

The bill started out with an asking price of \$1.4 million over a two-year period, but after months of hearings, testifying and lobbying, was lowered to \$1.2 million and amended to the tax bill, with the money to be allocated in the fiscal year starting July 1985. For your information, the language of the bill reads, "This amount may be spent for hand-held radios only, nothing else."

In recent conversations with radio supervisors and technicians, they felt that the \$1.2 million would be sufficient to equip all line units with a radio.

The bill for radios was not the only legislation on which the association worked. We also had bills introduced for our general welfare and improvement of our retirement.

The bill for our \$6 per diem for every day worked, at present, is a separate bill with assurances of passage. The language does not give us \$6 per diem per day worked, but allows \$6 per working day to be deducted from your state income tax. We hope that this will also aid us in our dispute with the IRS.

In our retirement legislation, changing the "high five year" language to "high three year," along with the hoped-for change of 2.5 percent credit for *all* years worked, did not pass in the 1985 session. (As of now members of the Highway Patrol Retirement Fund receive 2.5 percent credit for the first 25 years, then 2 percent for all years thereafter.) This, along with the Medicare B bill, which would reimburse our retirees over age 65 the cost of this insurance coverage, also did not become law. Both bills will be discussed in the Retirement Commission hearings this summer and fall and will be in the hopper for the 1986 session.

I would be remiss if I did not give credit where credit is due to those who worked so hard for our success in the legislature: Pete Teigen, Fred Peterson, Dennis Birchland, Karl Christey and Bob Richards. These members worked many long hours checking on legislation, lobbying, testifying and just getting needed



information to the senators and representatives to obtain an affirmative vote. In this regard, the donation of time by members of the association has greatly helped not only in cutting expenses, but also in making it possible for your lobbyists to better cover the Legislature and keep an eye on legislation affecting us. It's a cooperative effort, and I personally thank all of you for your help.

August 1985 MINNESOTA TROOPER



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2 officers at \$878.00/month (\$5,268.00)

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Candidates (\$85.00)

Patrol personnel (\$95.00) \$180.00

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Estimated cost per graduate \$2,240.57





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Thank You!

Dear MSPTA,

Words can not begin to express how grateful we are for all of the love and support our family has received during this difficult time. Your kindness is very much appreciated! Thank you for your contribution in memory of Ben. We are very humbled and grateful for you support.

Jodi Jenkins and Family

Dear MSPTA,

Thank you for your \$250.00 donation in memory of Trooper Justin Schaffer, who died in the line of duty on March 24, 2020. In accordance with your request, your donation will go directly to Trooper Schaffer's family. We truly appreciate your support during this difficult time.

*Sincerely,
Megan King, Manager
WSP Memorial Foundation*

Dear MSPTA,

We are deeply grateful for the kindness and compassion you extended to our family during our time of loss.

The Family of Trooper Joseph Bullock

Dear MSPTA,

Hello Everyone,

I was excited about the 35th annual MSPTA Trooper Guest golf tournament. I planned a big event for the milestone of the 35th consecutive tournament. We have been to some of the finest golf courses and venues in the past 34 years. This was the one that was hopefully going to top all the others. Unfortunately, this COVID-19 came down the road and put up a huge road block. Several were concerned about their health and others concerned about the close proximity

of fellow troopers in the hospitality rooms and banquets.

The 35th Annual Tournament is being postponed from July, 2020 to July 14 and 15 2021. I have been fielding a lot of calls over the past week or so and wanted to hold off making a decision to postpone this tournament until late in May or June. It does not look like we can have the tournament we deserve to celebrate the anniversary of this tournament. The Wilderness golf course at Fortune Bay and the Casino all agreed to honor our pricing for the golf, banquet, food costs, hospitality rooms and individual rooms at the same price we were quoted in 2020.

Fortune Bay Casino has agreed to honor the room rates for anyone that wanted to still play The Wilderness Golf course July 8 and /or 9 2020. You simply keep your room reservations you made for this years tournament. The Wilderness Golf Course is providing us the chance to golf this course at the rate of \$70/ round on July 8 and/or 9 the rates are normally \$95/round. If you want to golf they will offer individual tee times not a shotgun start. You must call and make your own tee times and just advise them you are with the Minnesota State Patrol.

We are full for the 2020 tournament. We have not been at capacity in well over 20 years. I will keep your money unless you want a refund I will send you your money back. Please be aware I cannot guarantee you would be able to get back in for the 2021. I have had people ask if they can still get in and I have had to put them on a waiting list in case there would be a cancellation.

Curt



The Trooper with the Big Heart

by Rozanne Rector SP 276.5

It was nearing dusk at the time the majestic mule deer sprinted up onto the road. In the mid 1990's, while touring the beautiful State of Colorado on his motorcycle with his cousin and a friend, my husband, Cal Rector SP276, met up with that deer ... up close and personal...at highway speed. The last thing Cal remembers thinking before the collision was, "This isn't going to be good."

I was told by those who had witnessed the accident that it was not a pretty sight. They had been following him and had viewed the accident first hand. The deer had literally exploded on impact and was nearly cut in half. Cal and his motorcycle slid down the road covered in deer blood and stomach contents.

I received a call with the news just after midnight. I had just fallen asleep and didn't realize the seriousness of the accident until I was told I should fly out from Minnesota to the hospital in Durango as soon as possible. The rest of that night and into the morning were spent making arrangements to get our two little boys to the home of their grandparents who lived 3 hours away, packing up essentials, making the flight details, informing our employers that we would need time off and why, and so on. It was going to be a long day.

State of Confusion

Cal lay stiffly in the hospital bed. He hurt too much to move. He couldn't

hear anything. Even though he had worn his helmet, he had completely lost his hearing at the time due to the basilar skull fracture and concussion. Blood trickled out of both ears.

"Where am I?" Cal tried to grasp the situation. Tubes were everywhere. He was aware he had been on his motorcycle trip. He knew he was in a hospital but it was like being in a dream state. It was comparable to being in thick heavy fog. The medications were doing their thing.

The only thing Cal knew for sure was that he was in a state of confusion. He could simply not figure out what State he was in because Minnesota State Patrol Lieutenant Charlie Jones was standing at the end of his bed. Cal knew Charlie was talking to him because he could see his mouth moving. He tried focusing and reading his lips but without success.

It didn't make sense to Cal why Charlie was at the hospital with him. Before fading again to black, the last thing Cal remembered thinking was, "Man, if you don't get your weeklies in on time; they get pretty serious about tracking you down."

A Welcome Sight

The commuter flight to Colorado was long, incredibly noisy and just plain miserable for this airsick traveler. Almost twenty-two hours after the

midnight phone call, the plane landed at the airport near Durango. It was pitch dark. I was exhausted and I had no idea how I was going to make the twenty mile trip to the hospital.

I had no more than stepped off the plane when I was met with a giant bear hug from a familiar soul. Unknown to either Cal or me, Charlie was in Colorado at the time of the accident attending a Christian men's conference. Word had gotten to him of Cal's plight and Charlie had driven several hours that day to be with my husband until I could get there.

Charlie then came to meet me at the airport and drove me to the hospital. He made sure I was all settled in there and informed me of Cal's medical issues. He prayed with me. He made sure my husband was doing as well as could be expected. The time Charlie spent at the hospital with us was precious. He later left but not without another big hug and another prayer for a speedy recovery.

I still can't put into words what a welcome sight Charlie was or how hard it was to see him leave.

His Perfect Timing

Cal was in and out (mostly out) of consciousness for days and remembers very little of his hospital stay. He had many broken bones and would require a total of six surgeries in Colorado in the days that followed. During a

follow-up visit after coming home, Cal's doctor told us that Cal was very fortunate because few survive the injuries he had incurred.

Cal doesn't remember his conversation with the Captain of the Colorado State Patrol who had stopped by to offer assistance. Even though I was with him during his entire hospitalization in Colorado, he claims he doesn't remember most of that either. But then again, it's not at all unusual for Cal to forget conversations he has with his wife!

In all seriousness though, Cal and I had always referred to Charlie as the Minnesota trooper with the big heart and this is just another example.

Was it a coincidence that Charlie was in Colorado at a time when both Cal and I needed him and his prayers the most? We don't think so. Charlie was exactly where he was supposed to be that day. We believe it is just another illustration of God's perfect timing. ♦



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Troopers Respond with Compassion in Crisis

As COVID-19 sweeps across the country and state economies shut down, employers have been forced to furlough or layoff employees. Unemployment rates have already begun to reach levels not seen since the Great Depression. As a result, food banks across Minnesota have experienced unprecedented levels of need. Responding to this crisis, Troopers across Minnesota made five \$1500 donations to food banks that feed the entire state on behalf of the Troopers Association. These banks have the ability to provide three meals for every dollar donated, so this donation will provide over 22,000 meals to Minnesotans in need. The following food banks were recipients of this donation:

- * North Country Food Bank in Crookston
- * Second Harvest North Central Food Bank in Grand Rapids
- * Second Harvest Heartland in Burnsville
- * Channel One Food Bank in Rochester
- * Second Harvest Northern Lakes Food Bank in Duluth



Jessica Sund of Channel One Regional Food Bank in Rochester, receives a donation from D-2100 MSPTA representative Todd Zynda. The MSPTA donated 1,500 to five different food banks around Minnesota.

**On being American:
"Much has been given us,
and much will rightfully
be expected from us.
We have duties to others
and duties to ourselves;
and we can shirk neither."
-Theodore Roosevelt**



Pictured are MSPTA Vice President Mike LeDoux and Shaye Moris, Executive Director of the Second Harvest Northern Lakes Food Bank in Duluth.




Pictured with donation from the Minnesota Troopers Association is Susan Estee, Executive Director of the Second Harvest North Central Food Bank in Grand Rapids, along with Trooper Travis Pearson, Trooper Justin Rock, and Trooper Tesa Johnson.



Pictured are Trooper Kelly Phillips and her Daughter Mia along with Stacy Wade - Chief People Officer for Second Harvest Food Bank Heartland.



Jack Danielson, D-3200 MSPTA representative pictured with Susie Novak Executive Director of the North Country Food Bank in East Grand Forks with a check from the MSPTA.



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Minnesota First Responder COVID-19 Workers' Compensation Presumption Statute – What We Know and What We Don't

by Jennifer Yackley, Meuser, Yackley & Rowland, P.A.

As Minnesota first responders may know, the Minnesota legislature recently passed legislation to create a workers' compensation statutory presumption for those individuals who contract COVID-19 while performing first responder duties (Minn. Stat. § 176.011). Hopefully, this legislation will serve to provide immediate workers' compensation medical expense and wage loss coverage for our State's first responders who are at greatest risk for contracting COVID-19 while engaged in critical services in our communities.

COVID-19 is **PRESUMED** to be work-related for Minnesota first responders.

The Minnesota Workers' Compensation Act contains a handful of "presumptions" primarily applicable to our State's first responders. This means that the law "presumes" that certain types of medical conditions are work-related, unless the employer/insurer can prove that the condition is caused by something else. In other words, the normal legal burden of proof for workers' compensation coverage is switched, and an employer/insurer must disprove that an individual's condition is work-related.

The COVID-19 Presumption Statute does not apply to all people, and all situations. According to the language of the statute, there are a few conditions that must be met in order to qualify under the presumption statute:

- 1) The individual must be a "first responder" as defined in the statute, which includes licensed peace officers under Minn. Stat. § 626.84, subdivision 1; firefighters; paramedics; nurses or health care workers; correctional officers, or security counselors employed by the state or a political subdivision at a corrections, detention, or secure treatment facility; emergency medical technicians; a health care provider, nurse, or assistive employee employed in a health care, home care, or long-term care setting, with direct COVID-19 patient care or ancillary work in COVID-19 patient units; and workers required to provide child care to first responders and health care workers under Executive Order 20-01 and Executive Order 20-19.
- 2) The individual must be diagnosed with COVID-19 that can be shown with a positive laboratory test, or a diagnosis from a licensed physician, licensed physician's assistance, or licensed advanced practice registered nurse (APRN), based on symptoms, if a test is not available.
- 3) The presumption statute only applies to those individuals

who "contract" COVID-19 after the effective date following enactment of the statute, which was April 8, 2020.

What does Minnesota Workers' Compensation cover for COVID-19?

Minnesota Workers' Compensation provides a variety of benefits for those who become sick and/or incapacitated by COVID-19, including, but not limited to, coverage for medical expenses and wage loss benefits. In the event that an individual passed away due to COVID-19, there may be death and/or dependency benefits for the survivors of that person.

What types of claims are **NOT** covered by the First Responder COVID-19 Presumption Statute?

- For Minnesota workers who contract COVID-19 due to on-the-job exposure, but who do not qualify as a "first responder" as defined in the new statute, they may still bring worker compensation claims, but they do not have the benefit of the presumption. In that instance, they must show, but a preponderance of the evidence, that on-the-job exposure was the cause of their COVID-19 infection. At Meuser, Yackley & Rowland, P.A., we anticipate that some insurers may voluntarily cover certain workers at locations where there are known outbreaks, or certain other occupations that place workers at increased risk for exposure.
- Unconfirmed COVID-19 infections are not covered under the presumption. Given the prioritization of testing in Minnesota, many individuals are told to quarantine if they experience symptoms or come into contact with a known case of COVID-19. Unless/until there is a diagnosis of COVID-19, either confirmed by test, or with a formal diagnosis, quarantine or isolation due to potential exposure is not covered. Many employers have policies requiring individuals to quarantine or isolate if they experience an on-the-job exposure or experience any symptoms potentially related to COVID-19. Those situations are NOT covered under the presumption statute.
- Options for individuals who "contract" COVID-19 prior April 8, 2020, the effective date of the legislation. We expect this will possibly be an area involving litigation over when a person "contracted" COVID-19. By the time a person is actually able to get a test, and receives results back, hypothetically, that person may have actually "contracted" the disease weeks earlier.
- If a family member of a first responder with COVID-19

also then contracts the disease, the family member's illness is not covered under workers' compensation.

Rebutting the COVID-19 Presumption Statute.

Even if an individual meets the other requirements of the COVID-19 Presumption Statute, an employer/insurer has the right to try to "rebut" or disprove the person's eligibility for benefits. Some potential situations where an employer/insurer may argue that the presumption is rebutted might include:

- In cases where a family member or members of the affected individual also test positive for COVID-19, an employer/insurer may try to argue that there is evidence that the person's COVID-19 infection came from a family member, rather than work exposures. This is particularly true if an individual's family member also works in a high-risk occupation.
- Individuals who are diagnosed close to the effective date of the legislation. We expect there may be litigation over the date on which an individual actually "contracted" COVID-19, versus when that person became symptomatic or tested positive.
- If an individual who otherwise meets the presumption statute has other potential known exposures, such as international travel, travel to a high-risk area, or contact with a known positive case, the employer/insurer may try to point to other possible exposures sources as the cause of the infection.

Complex situations that may arise involving COVID-19.

There is still quite a bit that is NOT known about COVID-19, and what workers' compensation coverage is going to look like in practice. That said, we expect that some of the following issues may eventually make their way through the workers' compensation courts:

- Cases where there is uncompensated missed time due to mandatory quarantine. Many employers now have policies requiring quarantine for first responders and other individuals who develop any symptoms that might be due to COVID-19, or for those individuals with known exposure. That mandatory missed time is NOT covered under the presumption statute, unless there is a subsequent confirmed diagnosis of COVID-19. At Meuser, Yackley & Rowland, P.A., we think there may be an argument to be made that in some instances, that missed time might be payable by workers' compensation. As a rule; however, we have seen most employers covering this time off, and/or the individual who is required to quarantine may be eligible for other state or federal wage loss benefits.
- Cases where a susceptible individual, contracts COVID-19, and their underlying condition is made worse by the infection presents interesting legal questions. As a rule, in Minnesota, if a person has a non-work-related medical condition that is made worse by a work-related injury, that worsened pre-existing condition is also covered by workers' compensation. For example, if an individual has underlying asthma that is made worse during

and after their COVID-19 infection, medical care to deal with the worsened asthma condition would likely be covered under workers' compensation.

- Likewise, a pre-existing condition that makes an individual more at risk for contracting COVID-19, or makes them more susceptible to worse symptoms, is not a bar to workers' compensation coverage. At Meuser, Yackley & Rowland, P.A., while some employers/insurers may try to argue that they are not liable for coverage in cases where a person was immune compromised, we believe the majority of these cases are compensable. For example, if a first responder is undergoing chemotherapy and is immune compromised as a result, that person would still be covered under the presumption statute regardless of his or her health status prior to developing COVID-19.

What should I do if I contract COVID-19 or I'm experiencing symptoms?

- **Step 1: Call your doctor.** If you believe that you have COVID-19 symptoms like fever, cough, or difficulty breathing, call your doctor and request further direction. Do not go to an emergency room.
- **Step 2: Self-quarantine.** Minimize your contact with others and don't go to work.
- **Step 3: Request a COVID-19 test from your medical provider.** Request a test to confirm a COVID-19 diagnosis. If no test is available, ask your doctor to document in your medical records that no test was available, but that your doctor diagnosed you with COVID-19 based on your symptoms. Then, obtain a copy of the written diagnosis from your doctor.
- **Step 4: If you have COVID-19, inform your employer and provide them with a doctor's note confirming your written diagnosis.** Once the employer is notified, it must file a first report of injury with its workers' compensation insurer or claim administrator. The insurer or claim administrator must inform the employee within 14 days whether the workers' compensation claim is accepted or denied.

Ultimately, the First Responder COVID-19 Presumption statute is a great start. There will certainly be cases that fall into a gray area, and cases that end up in litigation, but hopefully in the vast majority of cases, the employer/insurer will do the right thing and voluntarily pay medical expenses and wage loss for our State's First Responders who contract COVID-19. If you have questions about legal issues related to contracting COVID-19 on the job, the lawyers at Meuser, Yackley & Rowland, P.A., are happy to provide free, confidential consultations to any Minnesota first responder. Call us today at 1-877-746-5680. For more information about first responders and COVID-19 including a video series featuring the legislators who worked on the bill and a Q/A session with our attorneys Ron Meuser, Lindsey Rowland & MPPOA Executive, Brian Peters go to www.meuserlaw.com/covid-19. ♦

Registration Form

If registering as a team, please list one captain, or contact person, and three team members. Please include a check for \$300.00. If you would like to be placed on a team, please fill in the captain information and send in your \$75 entry fee. If you are interested in being a hole sponsor please fill out info below and include a check for \$100.00.

(Please make checks payable to Mark Dungy.)

Team Captain or Single Entry:

Name: _____

Address: _____

Phone number: (____) ____ - _____

E-Mail: _____

Team Members:

Name: _____

E-Mail: _____

Hole Sponsor: _____

Contact Person: _____ Phone: (____) ____ - _____

Address: _____

E-Mail: _____

Would you like your team photo (past and present) on the Ted Foss Tournament Facebook page: YES / NO

Questions may be directed to Mark Dungy at 507-450-9680 or dungy11@yahoo.com.

Please return completed form to: Mark Dungy

P.O. Box 431

Lewiston, MN 55952

Tournament is limited to first 32 teams. Entry deadline is August 17th.

Non-golfers are welcome for the meal at \$10.00 each. Please indicate non-golfers on back of this form.

✂-----

Remove this portion and save as a reminder of the tournament date a time.

Ted Foss Memorial Golf Tournament, Cedar Valley Golf Course, August 31, 2020, 11:00 am registration.



Trooper Ted Foss Memorial Tournament



20th Annual Ted Foss Memorial Golf Tourney
Cedar Valley Golf Course
Monday, August 31, 2020
11:00 AM Registration/Check In
Four Person Best-Shot Format
Prizes for 1st, 10th & 20th Place

Entry fee \$300 per team or \$75 per person

- 18 Hole Best Shot Tournament
- Cart
- Light Dinner after Tournament

Entry Deadline August 17th.

First 32 teams to register

12:00 Noon Shotgun Start (Must be in assigned golf cart ready to go)

May sign up as a foursome or on your own and be placed on a team

Refreshments available for purchase on the course and after the tournament

Proceeds will go to the Foss Memorial Scholarship Funds at Alexandria Technical College and Winona State University

Let's have fun and raise money for a worthwhile cause

Non-golfers are welcome for the meal at \$10.00 each

Hole Sponsors \$100

A hole sponsor is an individual, company or organization that donates \$100

A sign with their name is on one of the holes during the tournament

Questions may be directed to Mark Dungy 507-450-9680 dungy11@yahoo.com



Awards

Meritorious Citizenship

Award:

This award is presented to individuals who have assisted the State Patrol in providing a significant service to the public.

Gerald Wells, Derek Walker, Simone Gort

Jan. 31 - Derek Walker and Simone Gort were traveling on I-35E when they noticed a man on the right shoulder waving for help. The man had been changing a tire in below zero temperatures when the jack slipped, trapping his forearm.

MnDOT FIRST unit driver Gerry Wells successfully lifted the vehicle, freeing the man. Due to the extreme temperatures that day, it is likely the quick actions of Derek, Simone and Gerry prevented further injury.

Brent Carlson and Adam Skillings

March 26 - Brent Carlson and Adam Skillings stopped to help a man involved in a motorcycle crash on I-35 at the Harris off-ramp.

With the motorcyclist's leg was severely bleeding, Skillings grabbed a tourniquet from his medical bag and stopped the bleeding before first responders arrived. Their efforts likely saved the motorcyclist's life.

Tony Wolfbauer

March 28 - Tony Wolfbauer witnessed a truck crash into the guardrail on Hwy 610 and catch fire.

As the truck lay on its side, Tony attempted to free the trapped driver. As the fire moved closer, Tony retrieved a fire extinguisher from his vehicle and used it to smash a hole in the windshield, allowing the driver to escape.

Tony's quick actions while risking his own safety prevented what could have been a tragic outcome.

Ryan Horne

May 14 - Ryan Horne was driving home on Hwy 11 when he saw fire and smoke coming from the ditch. Ryan turned around and noticed vehicle tracks entering the ditch. He

found a vehicle with its front end on fire with a woman and her dog were trapped inside.

With both the driver's and passenger's door blocked by brush and trees, Ryan opened the rear hatch of the vehicle and pulled both the woman and her dog to safety. Shortly thereafter, the vehicle was fully engulfed in flames.

Dave Durbano (Wilson Construction)

John Gannon (Wilson Construction)

Brenden Johnson

Sherri Kokkinen

Kyle Larson (Minnesota Power)

Aaron Peterson (Wilson Construction)

Brian Powers (Wilson Construction)

Cabot Wolford (Wilson Construction)

Aug. 1 - The State Patrol received a call about a teenager and her 2-year-old nephew who were out for a walk when they were hit by a vehicle which fled the scene. Several individuals in the nearby vicinity took immediate action, lending their skills and available resources to search for the suspect.

- Sherri Kokkinen provided medical assistance to the victims.
- Brenden Johnson called 911 and performed CPR.
- Kyle Larson aided with CPR and called for additional help.
- John Gannon organized helicopters to help locate the suspect vehicle.
- Dave Durbano, Aaron Peterson and Cabot Wolford aided in the air search and ultimately spotted the suspect's vehicle.
- Brian Powers provided medical assistance and crash scene management.

Their combined efforts led to the apprehension of the suspect.

Keith Augustine, Kevin Howard and Nate Nord

Sep. 17 - Kevin Howard was mowing his backyard when he saw smoke. A vehicle had crashed at a nearby intersection

and Kevin saw that one of the vehicles was on fire, and the driver was unconscious.

Nate Nord and Keith Augustine, along with Kevin, cut the seatbelt off the driver and got the driver to safety. A short time later, the vehicle became fully engulfed in flames.

Mark Stephenson

Oct. 5 - Mark Stephenson witnessed a vehicle enter the ditch, become airborne, and land in a heavily wooded area near a drainage creek. Mark called 911 and remained on the scene. When Trooper Michael Cariveau arrived, Mark directed him to the location of the crashed vehicle and assisted the trooper with getting the driver out.

Paul Ell

Oct. 28- Paul Ell was at home when he heard a crash. Paul found a vehicle on fire, lying on its side, with the driver still belted inside. At risk to his own safety, Paul removed the vehicle's sunroof, unfastened the seatbelt and pulled the driver to safety.

Minnesota State Patrol Commendation Award:

This award is presented to members of another law enforcement or emergency service agency who have assisted the State Patrol in providing a significant service.

Deputy Scott Frazer (Hennepin County Sheriff's Office)

Dec. 29 - Trooper Andrew Arredondo was dispatched to a woman hanging over the guardrail of the I-35W Mississippi River Bridge. Hennepin County Deputy Scott Frazer was first on the scene.

He held the female against the barrier until Trooper Arredondo and other officers arrived. The woman was lifted over the guardrail to safety. Deputy Frazer's determination to hold the woman in place until additional resources arrived likely saved her life.

Life Saving Award:

This award is presented to members of the State Patrol who distinguish themselves by performing acts that prevent the death of another.

Sgt. Nate Danley (ISS) and Trooper Carrie Rindal (District 2400)

This award is combined with a Minnesota State Patrol Commendation for Officer Tony Ofstead of the Woodbury Police Department.

Dec. 24, 2018 - Sgt. Nate Danley and Trooper Carrie Rindal responded to a driving complaint. After determining the

driver had outstanding felony warrants, Trooper Rindal placed her under arrest. While in custody, the driver stated she swallowed heroin prior to the stop.

Before paramedics arrived, she became unconscious and stopped breathing. Sgt. Danley started rescue breathing and Trooper Rindal administered Narcan. Woodbury Police Officer Tony Ofstead arrived and took over rescue breathing while Sgt. Danley inserted an oral airway. The woman began to breathe on her own and was taken to the hospital.

Trooper Shaun Leshovsky (District 2500)

Feb. 11 - Trooper Shaun Leshovsky arrived at a one-vehicle property damage crash. He observed an SUV off-road with an unresponsive man whose face was blue in color. Trooper Leshovsky detected a weak pulse and recognized the driver's airway was restricted.

With the assistance of Hennepin County deputies, Trooper Leshovsky opened the driver's airway, cut the seatbelt and got the driver out of the vehicle. The driver was taken to the hospital where he regained consciousness and fully recovered.

Sgt. Nick Folger (District 4700)

Feb. 15 - Sgt. Nick Folger heard a call on his radio of an apartment building on fire. Upon arrival, he took action by knocking on doors and escorting residents to safety through smoked-filled hallways. Sgt. Folger rechecked units and assisted those who needed help getting out to ensure no one was left behind. Due in large part to Sgt. Folger's swift action and diligence that day, no lives were lost in the fire.

Trooper Cory Johnson and Trooper Brian Schwartz (District 2400)

This presentation is combined with a Meritorious Citizenship Award for Mark Hernandez and Zackary Mabry
March 13 - Troopers Cory Johnson and Brian Schwartz responded to a call of a vehicle rollover crash on I-35. A pick-up truck was reported to be upside down and partially submerged in water. They saw an unconscious driver, still buckled, with her head submerged in water.

Zackary Mabry, who was already on scene, assisted troopers by cutting the driver's seatbelt while they pulled her from the vehicle and began CPR. The driver regained consciousness and began to breathe on her own. Mark Hernandez, who had also stopped to render aid, monitored the driver's breathing as she cleared water from her lungs. The driver was taken the hospital and made a full recovery.

Trooper John Schmutzer (District 2600)

April 13 - While off-duty, Trooper John Schmutzer was

eating at a restaurant with his wife when an employee shouted for help. A man had collapsed and was unresponsive.

Trooper Schmutzer began life-saving efforts. When EMS arrived, three shocks from an AED were administered. The man was transported to the hospital by ambulance and later regained consciousness.

Trooper David Borden (District 2100)

This presentation is combined with a Minnesota State Patrol Commendation for Officer Cody Bellock and Officer Ryan Quanrude of the LaCrescent Police Department
May 28 - Trooper David Borden responded to a medical call of an unresponsive woman in a parked car who had reportedly taken heroin.

Trooper Borden administered a dose of Naloxone. With the assistance of LaCrescent Police Officers Cody Bellock and Ryan Quanrude, the woman was removed from the vehicle and administered a second dose of Naloxone. Trooper Borden provided rescue breathing and Officer Quanrude placed an oral airway. The woman eventually began breathing on her own.

Trooper Sam Mielke (District 2400)

This presentation is combined with a Minnesota State Patrol Commendation Award for Sgt. Ty Jacobson and Deputy Steven Bell of the Washington County Sheriff's Office.

April 20 - Trooper Sam Mielke responded to a medical call of a man in full cardiac arrest in a parking lot near I-94. Washington County Sgt. Ty Jacobson was first on scene and initiated CPR. Washington County Deputy Steven Bell arrived and together, all three performed CPR without success. Trooper Mielke suggested they administer Narcan. After three doses, the man regained consciousness and started to breathe on his own.

Trooper Jacob Miller (District 2400)

This presentation is combined with an Minnesota State Patrol Commendation Award for Deputy Tyler Martin of the Washington County Sheriff's Office and Captain Luke Mailand, Captain Neil Wood, and Firefighter Sophia Kneen of the Newport Fire Department.

May 6 - Trooper Jacob Miller responded to a crash at I-494 and Hwy 61. A driver failed to negotiate a curve, entered the grassy median, launched off a hill and the vehicle landed on its roof in a water-filled ditch.

Trooper Miller, along with Washington County Deputy Tyler Martin, heard someone calling for help. With the assistance of Captain Luke Mailand, Captain Neil Wood, and Firefighter Sophia Kneen of the Newport Fire Department, they located the lone occupant near the rear cabin

and pulled him from the vehicle.

Trooper Tyler Regenscheid (District 2500)

This presentation is combined with a Meritorious Citizenship Award for Ra'Jiah Hollie.

May 11 - Trooper Tyler Regenscheid was dispatched to the I-694 bridge over the Mississippi River for a report of a man sitting atop a concrete ledge attempting to jump into the river. Ra'Jiah Hollie was driving on I-694 when she observed the man with his feet dangling over the ledge.

As Ra'Jiah talked with the man, Trooper Regenscheid approached him from behind, grabbed him in a bear hug, and lifted him off the ledge and onto the shoulder.

Trooper Dan Ryan (District 2500)

May 10 - While staying at a resort on Lake of the Woods, Trooper Dan Ryan heard what sounded like someone falling down stairs: an older man collapsed on the floor and turned blue. Trooper Ryan called for an AED and started CPR. The man regained consciousness and was transported by air to the hospital.

Trooper Derek Haehnel and Trooper Christian Lemon (District 2500)

May 12 - Troopers Derek Haehnel and Christian Lemon were on routine patrol on I-394 when they saw a vehicle spin out on a ramp and roll down a hill. The vehicle came to a rest mostly submerged and upside down in a holding pond.

Troopers Haehnel and Lemon entered the water and opened the vehicle's doors. Trooper Haehnel felt the trapped driver under the water, cut his seatbelt and pulled him to safety. By taking immediate action, Troopers Haehnel and Lemon saved the driver from drowning.

Sgt. Christopher O'Shea (District 2400)

This presentation is combined with a Minnesota State Patrol Commendation Award for Deputy Edgar Monterrey of the Washington County Sheriff's Office.

June 16 - Sgt. Chris O'Shea responded to a stalled vehicle on the Wakota Bridge in South St. Paul. The driver stated he had pulled over because he was having a panic attack. After speaking with Sgt. O'Shea, the driver agreed to drive to the next exit. As Sgt. O'Shea waited for the vehicle to move, he saw the driver exit the vehicle, climb over the bridge railing, and appear to be attempting to jump into the river.

Sgt. O'Shea grabbed the man through the railing, holding his wrists to prevent him from falling. When Washington County Deputy Edgar Monterrey arrived they held onto the driver until additional help arrived.

Trooper Carrie Rindal (District 2400)

June 22 - Trooper Carrie Rindal responded to a hit and run crash in St. Paul where a vehicle hit two others. The

driver exited and started walking away when he collapsed and stopped breathing. Suspecting an overdose, Trooper Rindal administered one dose of Naloxone and began rescue breathing. St. Paul Fire paramedics arrived on scene and a second dose of Naloxone was administered.

Trooper Paul Bartusch (District 2400)

June 23 - Trooper Paul Bartusch responded to a medical call of a male driver and female passenger found seizing in a vehicle. Upon his arrival, both occupants were unresponsive. Trooper Bartusch broke a window to gain access to the locked vehicle and removed the driver. He delivered two doses of Narcan and administered CPR. The driver started to breathe on his own.

Trooper Sam Catlin (District 2800)

July 17 - Trooper Sam Catlin responded to a medical call for a potential overdose. Trooper Catlin and Little Falls police officers found an unconscious woman not breathing on the floor of her room. A dose of Naloxone was administered without success. Trooper Catlin began resuscitation efforts and the woman regained consciousness.

Trooper Trevor Klatt (District 3100)

This presentation is combined with an MSP Commendation for Officer McKenzie Grossell of the Deer River Police Department.

July 21 - Trooper Trevor Klatt and Deer River Police Officer McKenzie Grossell were off-duty when they witnessed a vehicle pulling a boat leave the roadway, become airborne, and start on fire after coming to rest. The driver had fallen asleep.

Trooper Klatt and Officer Grossell were able to get the driver and a 20-month old child out of the vehicle before it was too late.

Trooper Tyler Milless (District 2600)

This presentation is combined with a Meritorious Citizenship Award for Amy Hollan.

July 29 - Trooper Tyler Milless responded to the scene of a report of a man lying in the roadway. When he arrived, Amy Hollan, a local resident and ICU nurse, was performing CPR on the man. Trooper Milless used his AED and delivered numerous shocks, and started chest compressions. After the fourth shock, a pulse was regained and the victim was transported to the hospital.

Trooper Justin Schuelke (District 2600)

Aug. 3 - Trooper Justin Schuelke came across a man walking in traffic across the Hwy 101 bridge over the Mississippi River. The man was visibly agitated and gave the impression he wanted to injure himself.

After attempts to coax him from the roadway were un-

successful, Trooper Schuelke saw the man run to the edge of the bridge and place his foot on the rail. Trooper Schuelke grabbed him and pulled him back onto the shoulder.

Trooper Sandy Barg (District 2800)

Aug. 14 - Trooper Sandy Barg responded to a house explosion in the city of Remer. The man injured had been working on a gas leak when the house exploded, leaving him with first and third degree burns covering 70 percent of his body.

EMS personnel had attempted to administer an IV, but were unable to locate an injection site. Trooper Barg, a trained phlebotomist and Critical Care Flight Paramedic with the Minnesota Army National Guard, located two separate injection sites, and administered and secured IV's. EMS personnel stated that without Trooper Barg's expertise, the victim's survival would have been unlikely.

Trooper April Alle (District 2500)

Sept. 8 - Trooper April Alle responded to an injury crash on the I-35W River Bridge where she found a person with a belt around his neck. As the driver was attempting to choke himself Trooper Alle tried to pull his hands free without success. She then used her TASER to get him to release his grip. She loosened and removed the belt from his neck.

Troopers Quentin O'Reilly Deanna Wayne (2500)

This presentation is combined with a Meritorious Citizenship Award for Brandon Rausch.

Sept. 16 - Troopers Quentin O'Reilly and Deanna Wayne responded to a motor vehicle crash on I-494. The driver had suffered a medical emergency, drove off the road and into the ditch.

Trooper O'Reilly broke a window and removed the driver who was not breathing and had no pulse. Trooper O'Reilly and citizen Brandon Rausch began CPR. Trooper Wayne applied her AED and delivered two shocks. EMS personnel arrived on scene and transported the driver to the hospital for further care.

Trooper Ryan Marthaler (District 2200)

Sept. 15 - Trooper Ryan Marthaler responded to a medical call for a man with heart problems. When Trooper Marthaler arrived, he found a woman performing chest compressions. Trooper Marthaler continued CPR and performed rescue breathing. The man's pulse was detected.

Trooper Lee McClure (District 2600)

This presentation is combined with a Meritorious Citizenship Award for Matthew Markgraf.

Sept. 21 - Trooper Lee McClure responded to the scene of an injury crash where he found a victim with a severe leg

injury being attended to by Matthew Markgraf, a passing motorist who had stopped to help.

Trooper McClure successfully placed a tourniquet and was able to control the bleeding. It is likely the victim would have suffered an irreversible amount of blood loss if it weren't for the efforts of Trooper McClure and Matthew Markgraf.

Trooper Carlos Sosa Viscarra (District 2400)

This presentation is combined with a Meritorious Citizenship Award for Kimberly Fesler, Cindi Ford, and Kristana Rascoe.

Oct. 13 - Trooper Carlos Sosa Viscarra was dispatched to a woman straddling the ledge of a bridge over I-494. Upon arrival, he saw Kimberly Fesler, Cindi Ford, and Kristana Rascoe standing near the woman and encouraging her to come down. While they spoke with the woman, Trooper Sosa Viscarra approached from behind, grabbed the woman from the ledge and brought her to safety.

Sgt. Kelley McGraw (District 2100)

Nov. 23 - Sgt. Kelley McGraw was off duty having dinner with his family when his father-in-law, Lloyd Konzen, stopped breathing. Sgt. McGraw provided rescue breathing and began chest compressions while his family called 911 and retrieved the trooper's AED. Caledonia ambulance service arrived. Sgt. McGraw is on the roster as a crew member. Since the crew was short a member, Sgt. McGraw drove the ambulance to the hospital.

Trooper Joseph Setnes (2800)

Nov. 29 - Trooper Joe Setnes overheard a dispatch report of a suicidal woman who had cut her wrist and was bleeding profusely. Upon arrival, he saw a female in the back of a Hill City Police Department squad with a towel wrapped around her wound and blood covering her arms and clothes.

Due to the rural location and lengthy response time, Hill City police began transport while Trooper Setnes applied a tourniquet and rendered first aid to the wound in the back of the squad. The squad met an ambulance and the woman was transported to the hospital where she received care for her life-threatening injuries.

Meritorious Service Award:

This award is presented to employees for acts involving personal risk-posing hazards which could lead to serious injury or loss of life to the employee.

Trooper Travis Elmer (District 2400)

July 10, 2017 - Trooper Travis Elmer assisted local agencies in locating a vehicle involved in a carjacking. The suicidal suspect had called OnStar and stated his 7-year-old daugh-

ter was with him. Trooper Elmer and Chisago County deputies tracked the vehicle to a rural area where it was found stuck in a field.

The suspect and his daughter were outside of the vehicle. As the daughter returned to the vehicle, the suspect ran and hid. Upon approach, the suspect pointed a gun at officers. Trooper Elmer and Chisago County deputies had no other option than to use deadly force.

Trooper Doug Rauenhorst (Investigative Services Section)

Dec. 20, 2018 - Trooper Doug Rauenhorst stopped a vehicle for traffic violations. While attempting to prevent the vehicle from fleeing, Trooper Rauenhorst became partially trapped in the vehicle.

As it fled from the scene, he was physically assaulted and seriously injured before being ejected from the vehicle. State Patrol and law enforcement from multiple jurisdictions assisted in taking the perpetrators into custody. Trooper Rauenhorst's actions to apprehend the perpetrators that day involved great personal risk.

Trooper Trevor Klatt (District 3100)

April 16 - Trooper Trevor Klatt monitored dispatch of an armed bank robbery. He positioned himself on the perimeter overlooking where the suspect had fled and saw a man matching the suspect's description.

Trooper Klatt tracked the suspect using his squad and later gave chase on foot. After coming in close proximity to the suspect, he verbally commanded him to show his hands and lay on the ground. The suspect was taken into custody without further incident.

Trooper Jesse Herding (District 3200)

May 27 - Trooper Jesse Herding responded to a wrong way, head-on-crash west of Bemidji. Trooper Herding and a Beltrami County Deputy removed an unconscious passenger from a burning vehicle. First aid was rendered and CPR administered. Although the passenger died at the scene, Trooper Herding was recognized by the Beltrami Sheriff's Office for his efforts.

Exceptional Service Award:

This award is presented to employees who have provided extraordinary service in the performance of their duties.

Trooper Scott Isaacson (District 2200)

Aug. 23 - Trooper Scott Isaacson responded to a call from dispatch of a man trapped under the corn in a grain bin. At

the scene, Trooper Isaacson entered the grain bin through the auger window with a rope tied around him held onto by a McLeod County Sergeant.

While first responders and firemen dug through the corn looking for the victim, Trooper Isaacson saw a fist appear above the corn and notified nearby firemen. The man was pulled to safety.

Sgt. Aaron Churness and Sherri Lind (District 2700)

Dec. 11, 2018 - Forfeiture Coordinator Sherri Lind completed an inventory of a vehicle forfeited for possession of a controlled substance. The following day she discovered that same vehicle had been broken into and items inside stolen.

Sgt. Aaron Churness responded to the forfeiture lot and located footprints and a hole cut into the fence. Sherri located a drop of blood in the snow near the vehicle and Sgt. Churness collected a sample for analysis. After being interviewed and later served a search warrant, the suspect was arrested.

Forfeiture Coordinator Sherri Lind and Sgt. Aaron Churness worked exceptionally well as a team to conduct a thorough, high level investigation that resulted in a felony level conviction and restitution order.

CVI Pat Forster (District 4700)

CVI Pat Forster has been instrumental in the success of the State Patrol's mandatory inspection program through audits and instruction. Pat spent a significant time away from home serving as the team lead and coordinated saturations across the northern half of the state. These trips were extremely productive resulting in unprecedented numbers of audits and inspectors suspended or receiving warning letters.

Donelle Hintermeister (Training and Development Section)

Donelle Hintermeister is a training specialist assigned to the Training and Development Section. She coordinates, develops or administers training for more than 600 troopers and civilian staff. Donelle displays great passion for her work.

Donelle exemplifies the Patrol's core value of excellence in the quality of her work. Her expertise in the field of adult learning, along with her tireless dedication, make her a valued asset to the Training and Development Section.



Eagle Squadron Award:

The Eagle Squadron Award is presented each year to the Minnesota State Patrol trooper who arrested the greatest number of impaired drivers the previous year.

Trooper Gustavo Culbeaux (District 2500)

Trooper Culbeaux arrested 167 impaired drivers in 2019. Impaired driving enforcement continues to be a top priority for every trooper. Aggressive enforcement in this important area saves countless lives and injuries each year.



Trooper Jake Thompson was awarded the hat trick award for arresting 3 impaired drivers in one shift. Jake was working his regular shift on Friday September 13th 2019 when he arrested 3 impaired drivers in one night. The hat trick award is given out by the Office of traffic safety when this happens.

Thanks for the great work Jake!



Leadership Award:

This award is presented yearly to the employee who consistently exhibits outstanding leadership and excellence in public safety through their personal actions, guidance, direction and professional involvement.

Lt. Travis Schaap (District 2500)

Lt. Travis Schaap leads one of the busiest, most demanding stations within the State Patrol – the downtown Minneapolis 4450 station. With a team of approximately 20 troopers, he takes a personal approach to leadership. Over time, he has created a cohesive and empowering work environment, stressing positivity in all aspects of the job and expecting the same from those he leads.

In addition to his supervisory duties, Lt. Schaap continually accepts new challenges within the agency. He manages the Field Training Program within his district, held a leadership role on the Mobile Response Team, organizes a presence at numerous community events, and recently took over leadership of the Peer Counseling Program.



Civilian Employee of the Year:

This award is presented to the non-sworn employee who best demonstrates outstanding work performance, initiative, leadership and effective interpersonal relations.

Jaime Santiago (Flight Section)

Jaime Santiago started in the Flight Section in November of 2000. Since that time, he's become an integral member of the team. As a State Program Admin Specialist, Jaime has direct involvement in the day-to-day operations of the Flight Section. His professionalism, attention to detail, ability to navigate the complexity of contracts, and communicate with people across the aviation and public safety spectrum are exceptional.



Trooper of the Year:

This award is presented to the trooper who best demonstrates outstanding work performance, initiative, leadership and effective interpersonal relations.

Trp. Daniil Poptelecan (District 2400)

Trooper Daniil Poptelecan exemplifies the core values of the State Patrol in the many roles he plays within the agency. In addition to working the busy 4460 downtown St. Paul station, Trooper Poptelecan is a Traffic Law Instructor at the Academy, Honor Guard member, Drug Recognition Evaluator (DRE), Mobile Response Team member and Field Training officer.

Trooper Poptelecan leads by example and has earned the respect of his peers. He has been described as team oriented, easily approachable, and professional. He brings a positive attitude and energy to all his responsibilities. He is firm, fair and polite in his enforcement contacts and displays a strong acumen in the area of impaired drug making him an asset to the Drug Evaluation and Classification Program.

About the Minnesota Department Public Safety

The Minnesota Department of Public Safety (DPS) comprises 11 divisions where 2,100 employees operate programs in the areas of law enforcement, crime victim assistance, traffic safety, alcohol and gambling, emergency communications, fire safety, pipeline safety, driver licensing, vehicle registration and emergency management. DPS activity is anchored by three core principles: education, enforcement and prevention.

About the Minnesota State Patrol

Nearly 600 Minnesota State Patrol troopers are the foundation of the agency that works to provide a safe environment on Minnesota's roads by assisting motorists, taking enforcement action and educating drivers about traffic safety issues. In addition to road safety activities, troopers conduct flight patrols, search and rescue missions and assist other law enforcement agencies.

In 1929, the Minnesota Legislature created the Highway Patrol after lawmakers recognized the need for a traffic enforcement agency in response to the boom of automobiles. The first patrol force comprised 35 men. In 1970, the Highway Patrol became a division of the Department of Public Safety and, four years later, its official name was changed to the Minnesota State Patrol. ♦

Wishes & More

A 1920's Roaring Good Time!

by Kelly Phillips



On February 1st, 2020 I was honored to attend the Wishes & More “The 20’s Roar Again” gala in Minneapolis fundraiser on behalf of the MSPTA. Travis Pearson, Darcy Weinrich, David Rock, (Trooper of the Year) Daniil Poptelecan, and our significant others were also in attendance. For those that are not familiar with Wishes & More, it is a non- profit organization similar to the Make a Wish Foundation. However, as I learned at this event, there are gaps as to what some of the wish granting charities will do for children with terminal or life-threatening conditions. This is why Wishes & More was created in the fall of 2004. For the past several years the MSPTA has donated to the foundation to support their mission of helping not only the kids, but being there for their families as well. The gala was truly an eye opener for me. I had never heard of the foundation

before this, and seeing all of the amazing things that they do was moving.

Each year, the Wishes & More gala has had a different theme and this year was a 1920’s event. The volunteers had worked very hard to create an atmosphere where you felt as though you were really part of that era. The evening started by walking up to a speak-easy doorway to give the password. You were then greeted by volunteers in full character as you were walked through a “back alley” into the event space. Once you enter the “speak-easy” doorway that had been created, everyone attending was in full 1920’s attire! Even the kids were dressed the part. Throughout the night there were several silent auctions and fundraising games to raise money. Several people that Wishes & More had helped throughout the



years got up and talked about how their lives had been changed, not only by the illnesses, but by the kindness of the staff at the foundation. The wishes granted ranged from helping create a baseball field in a small town so the kids could play on a real field, to hunting and fishing trips. I listened to two parents talk about how their daughter's wish was granted and she passed shortly after. They felt blessed to be able to spend that time with her doing something she so badly wanted to do. Wishes & More didn't just walk away from the family though. The foundation helped the family through the grieving process and helping to pay for her headstone. The stories of how far they go to help bring joy and peace continued bringing several people to tears. By the time dinner had been served and the dancing began, the foundation had raised over \$160,000 that night!

I am truly grateful for all Wishes & More does for kids and their families. The support they give the families, from granting wishes to help memorializing those that don't win the fight, is incredible. If you are looking to help support a worthy cause, please check out their website at Wishesandmore.org. They have several events throughout the year, including golf tournaments, car shows, craft fairs, and bingo. ♦



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Annual MPPOA Legislative Washington DC Fly-In

Delegate Weinrich (District 2800) and Secretary Harjes attended the annual MPPOA Washington, D.C. Legislative Fly-in event March 11th - March 13th. The delegation also included numerous other Minnesota police officers and other Minnesota state law enforcement officers including the BCA and Conservation Officers. MPPOA lobbyist Dennis McGrann was our host while at the nation's capital. The trip was very unique being at the onset of the COVID-19 pandemic.

Dennis McGrann, was able to secure the Member's Room in the Library of Congress – Thomas Jefferson Building, overlooking the US Capitol for our event. The room is normally only available to Members of Congress. We had a full schedule planned meeting and talking with Minnesota Senators and Representatives on March 12th. The schedule didn't go as planned due to the availability of representatives with COVID-19 related bills hitting the House floor that morning.

Topics heavily revolved around COVID-19, but other issues that were brought up included issues that impact cops such as the Windfall Elimination Act, heavy trucks, toxic media against law enforcement, First Responder Protection Acts/Tax Relief, and LEOSA reform.

We did get the opportunity to interact with the following representatives from Minnesota. They all found some time in their COVID19 impacted schedule to come speak to us.



- Tina Smith (MN Senator)
- Dean Phillips (MN 3rd District)
- Jim Hagedorn (MN 1st District)
- Pete Stauber (MN 8th District)
- Tom Emmer (MN 6th District)
- Angie Craig (MN 2nd District)
- Betty McCollum (MN 4th District)

Collin Peterson (MN 7th District)

Amy Klobuchar (MN Senator), was unable to attend but sent her representatives.

We also heard a presentation from the Department of Justice sharing information about funding programs, such as COPS, that apply more to local agencies.

USCP (US Capitol Police) Deputy Chief Donald Rouiller came to talk to the group as well and shared the dynamics of their role on the US Capitol grounds. The agency has more than 2000 officers to patrol and provide security on 126 acres of Capitol complex grounds.

The day concluded with a tour of the Library of Congress. We were the last group scheduled in the Library of Congress before it was closed to the public due to COVID-19 concerns. Our tour was cancelled of the US Capitol Building due to COVID-19 as well. The US Capitol Complex buildings are still closed to this day due to the COVID-19 pandemic. Later that evening we visited the National Law Enforcement Memorial while we were in the area.

We returned home on the 13th, shortly before the Governor's order of the closures of schools and businesses in Minnesota. ♦



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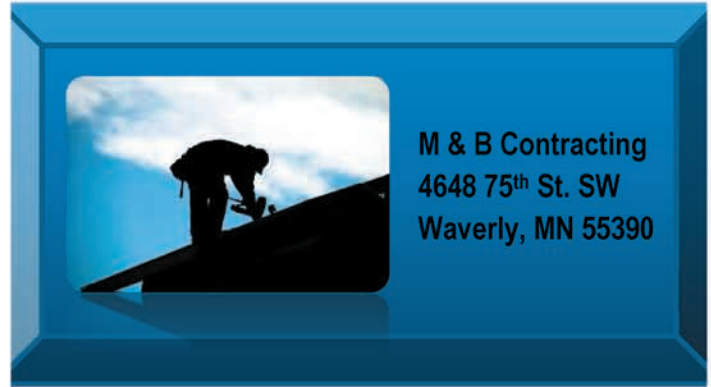
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August 4, 2020

Retiree's: **In Harm's Way Defense** will be available after lunch on retired trooper's day to conduct a qualification course for your LEOSA permits. Qualification will be at the St. Cloud Police range in St. Cloud. Directions and address will be given out at the event. Just bring your firearm, holster system, and enough rounds for two-qualification attempts, in case you don't qualify on the first time. The course of fire is 50 rounds, so bring 100 rounds total.

"IN HARM'S WAY DEFENSE LLC" is a business started by Retired Trooper Ron Richards SP 50, and soon to be retired, Trooper Ron Madison SP 232. We are hoping to have a great turn out and make this an annual opportunity for our retired troopers to get together to qualify and reminisce. Please send us an email or contact us on Facebook if you plan on shooting. Ron & Ron

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Why Do I Need a DRE?

by Lieutenant Don Marose (ret'd.) Minnesota State Patrol

Over the last few decades of my career as a DRE in Minnesota, I have been asked this question on more than a few occasions. I know that answering a question with a question makes it appear that I am trying to escape the answer, but my short response to, "Why do I need a DRE?", is always, "Why not?" Obviously, this does not answer the question, but the counter-question is valid. Asking someone why they would not want to utilize a DRE in their impaired driving arrest helps refine the answer to their initial inquiry. Without having these specifics, I will try to assuage some of the doubts, uncertainties, and misconceptions about the use of DREs.

Law enforcement officers (LEO) employ other trained LEOs for their expertise in certain areas every day; crash reconstruction, photography, interview and interrogation, and crime scene processing are some common examples. Ask yourself this question: Who would you rather have replace the transmission on your car, your neighbor who has \$50 worth of tools and watched a 10 minute YouTube video or a certified and trained mechanic with specialized tools and hours of practical experience? Let's use the same logic in our impaired driving investigations. In these cases, the driver is the crime scene and the DRE is the crime scene technician. Use them to gather, document, and process the evidence.

Many times, non-DRE LEOs say that they do not need a DRE since they can administer SFSTs, determine that a driver is impaired, obtain a search warrant, send the fluid sample to the Lab, and once the results are returned, know what was causing the impairment. While this happens nearly every day, there are some large assumptions in that process that can be fatal to the case. Presence of a substance in the driver does not (necessarily) equal impairment. This is particularly important in cases of prescription and legend drug use or where toxicology results indicate two or more substances. This is called polycategory. Data in Minnesota and nationwide shows that polycategory use is as (or more) likely than single substance use.

While SFSTs are validated for impairment (not for a specific impairing substance), indicators beyond the standardized clues are determinant of the specific drug category causing the impairment. DREs will not only document the validated clues displayed during divided attention tests, but will also document specific general indicators of the driver's demeanor, impairment, and coordination. DREs will take this further and collect evidence of the driver's clinical signs of their impairment (things that are happening inside the body that may not be manifesting on the outside); pulse, blood pressure, body temperature, pupil sizes, and muscle tone among other things.

A search warrant is simply the mechanism used to obtain the fluid sample. It is not considerably different from the use of the Breath Test Advisory to obtain a breath sample. A successfully executed search warrant is predicated on abundant probable cause. The PC statement in a search warrant likely needs to be stronger than the PC at roadside. Including a DRE's observations and expert opinion in a search warrant application will add to the weight of the warrant and help it withstand scrutiny at the time of submission and challenges in the future.

LEOs must also keep in mind the elements that a prosecutor, in most cases, must prove beyond a reasonable doubt in order to secure a conviction. Jury instructions in Minnesota require that a prosecutor must prove that the driver "was under the influence of a controlled or intoxicating substance". And since the jury instructions state that "there is no set standard as to the quantity of a substance a person must ingest before a person is regarded as being under the influence" (presence does not equal impairment) prosecutors must present evidence that the driver was "so affected by a controlled substance that the person does not possess that clearness of intellect and control of (himself/herself) as (he/she) otherwise would have".

DREs use a three-pronged approach when investigating

an impaired driver, 1) is the driver impaired, 2) is the impairment due to a medical issue or drug/alcohol related, 3) what category/categories of drugs are causing the impairment. Within those three prongs, a DRE will gather over 100 pieces of evidence that will lead to their determination. It is just as important for a DRE to rule-out medical issues, as it is to rule-in drugs or show that the driver was 'not impaired'.

None of the things that a DRE does during a drug influence evaluation is magic. All of the observations are recognized by other disciplines (scientifically and medically) as not being new or novel. It is the entirety of these observations, however, that lends to the DRE's expertise and their ability to express an opinion as to the causal factors of the driver's impairment.

For many years, I have heard LEOs say that involving a DRE will add 3-4 hours to the arrest process. While that may happen, it would be extremely rare. A DRE's drug influence evaluation will take 30-45 minutes. It is generally not necessary for the arresting LEO to be present during the evaluation. The arresting LEO can work on preparing the warrant, start their incident report, or clear themselves to respond to pending calls. DREs are there to help, not hinder, the arrest process.

While DRE training and expertise are designed for impaired driving cases, DRE skills have often been utilized beyond a DWI. DREs have been used for investigations of sexual assault, admissibility of statements or admissions, domestic assault, probation and parole, child abuse/neglect/endangerment, child protection via social services, ineligible persons possessing a firearm, as well as school and employment settings.

As law enforcement officers, we are sworn to provide the best service we can to the citizens of our cities and counties and to the victims of impaired drivers.

Officers: Do your SFSTs and find a DRE! There are signs and symptoms beyond the validated clues of SFSTs that will help your case.

DREs: Do the full evaluation as your training directs and avoid potential defense challenges to partial evaluations.

Prosecutors: If no DRE was on-scene, find one to assist before or during trial.

DWI enforcement is crime prevention. Stop a murder in progress; arrest impaired drivers. ♦



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A Note on the MPPOA Legal Defense Fund

by Travis Pearson SP418, District 3100

As of this writing the increased MSPTA association dues have been around for a while. However I felt a further explanation may be in order as to why our dues increased. When Brian Peters, Executive Director for the MPPOA, attended our executive board meeting last year he laid out very well why the MPPOA dues were increasing to shore up the Legal Defense Fund (LDF).

In reality I didn't need any convincing as I have unfortunately required LDF attorneys twice in my career due to critical incidents. Because of this I knew firsthand the high quality legal representation the MPPOA provides to its members. Even with their increased rates, I see it as an extremely affordable insurance policy that ensures our best interests are represented. There isn't any one of us that can say it can never happen to me, and I'll never need the LDF because of the area we work.

After my incidents I had concerns and I had to make some hard decisions that affected my family. However the one thing I didn't have to worry about was high quality legal representation. And it really is high quality. Without the LDF I would have been paying out of pocket, and in reality I would have been hard pressed to afford myself that which I received.

So in a nutshell when the decision to increase member dues came, though it wasn't a decision I took lightly, I agreed it was the best course of action to maintain MPPOA membership to our members. ♦



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