

**STATE OF MINNESOTA
BOARD OF PEACE OFFICER STANDARDS AND TRAINING**

In the Matter of the Peace Officer License of
Adam Mikkoli Gunderson
License Number: 16146

**SETTLEMENT AGREEMENT
AND CONSENT ORDER**

IT IS HEREBY STIPULATED AND AGREED by Adam Mikkoli Gunderson ("Respondent") and the Complaint Investigation Committee of the Minnesota Board of Peace Officer Standards and Training ("Committee") that without trial or adjudication of any issue of fact or law herein:

1. On May 3, 2017, a complaint was duly served upon Respondent by the Committee, receipt of which is hereby acknowledged by Respondent.

2. On June 26, 2017, Respondent appeared before the Committee, composed of Board members, Mark Fahning, Chair; Rebecca Swanson; and Kent Wilkening, to discuss allegations made in the complaint referenced above. Michele M. Owen, Assistant Attorney General, represented the Committee.

3. Respondent expressly waives a formal hearing and all other procedures before the Board to which he may be entitled under the Minnesota and United States constitutions, statutes, or rules.

4. This Settlement Agreement and Consent Order and the files, records, and proceedings associated with this matter shall constitute the entire record and shall be reviewed by the Board in its consideration of the matter.

5. In the event that the Minnesota Board of Peace Officer Standards and Training ("Board") in its discretion does not approve this settlement or a lesser remedy than indicated in this settlement, this settlement is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced by either party. Respondent agrees that if the Board rejects this settlement and this case proceeds to hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this settlement or of any records relating hereto.

FACTS

6. The Committee found the following facts to be true and recommends that the Board should, for the purpose of reviewing the record in paragraph 4 above, consider these facts as being true:

a. Respondent is the Chief Law Enforcement Officer of the Royalton Police Department.

b. Respondent failed to train a peace officer in the Royalton Police Department in Use of Force/Defensive Tactics and Low Light/Adverse Weather Shooting in 2016.

7. Respondent admits the facts contained in paragraphs 6.a-6.b.

STATUTES

8. The Committee found that the facts and conduct specified in paragraph 6.b above constitute violations of Minn. Stat. §§ 626.8452, subd. 3; and Minn. R. 6700.1600 A; and provide a reasonable basis to justify the disciplinary action provided for in this Order.

REMEDY

9. Based upon this Settlement and all of the files, records, and proceedings herein, and without further notice of proceedings, the Board is authorized to issue an Order suspending Respondent's license to practice as a peace officer for a period of three (3) days, with three (3) days of the suspension stayed for a period of three (3) years provided that Respondent complies with all of the conditions in paragraphs 9 a and 9 b below. The stay is expressly conditioned upon Respondent's compliance with the following conditions:

a. Respondent shall prepare and submit, on an annual basis to the Board's Standards Coordinator on or before January 2, 2018; January 2, 2019; and January 2, 2020, complete records for all training required by Minn. Stat. ch. 626 and Minn. R. ch. 6700 for the Royalton Police Department, showing attendance and completion of Board-approved training for each full-time and part-time sworn officer during the years 2017, 2018, and 2019, respectively. This information shall be supplied in a spreadsheet format acceptable to the Board's Standards Coordinator along with the annual Policy and Training Compliance Review Form. These

records shall reflect the calendar year of training for each officer. Respondent shall, at the same time, submit to the Board's Standards Coordinator copies of all lesson plans and attendance rosters for each year's training.

b. Respondent shall not violate any Board statutes or rules for a period of three (3) years after the date of the Order approving the terms of this Settlement Agreement.

10. If Respondent fails to comply in a timely manner with all of the conditions listed in paragraphs 9 a and 9 b above, the Board, without hearing, may issue an Order lifting the stay on its Order suspending Respondent's peace officer license. Said Order shall be mailed to Respondent at his last known address on file with the Board. If the stay is lifted, the suspension must be served within forty-five (45) days of the Board Order lifting the stay, and Respondent shall not perform any duties attributed to a licensed peace officer during the period of suspension.

11. A copy of this Settlement Agreement and Consent Order will be sent by the Board to the Mayor and City Clerk of Royalton, Minnesota.

12. Any future violations of Board statutes or rules may result in other separate disciplinary action besides the lifting of the stay on the suspension of Respondent's peace officer license.

13. Any appropriate court may, upon application of the Board, enter its decree enforcing the Order of the Board.

14. Respondent hereby acknowledges that he has read, understands, and agrees to this Settlement Agreement and Consent Order and has freely and voluntarily signed the Settlement Agreement without threat or promise by the Board or any of its members, employees, or agents. When signing the Settlement Agreement, Respondent acknowledges that he is fully aware that the Settlement Agreement and Consent Order must be approved by the Board. The Board may approve the Settlement Agreement and Consent Order as proposed, approve the Order subject to specified change, or reject it. If the changes are acceptable to Respondent, the Settlement Agreement will take effect and the Order as modified will be issued. If the changes are

unacceptable to Respondent or the Board rejects the Settlement Agreement, it will be of no effect except as specified herein.

15. Respondent is aware that he may choose to be represented by legal counsel in this matter. Respondent knowingly waives legal representation.

16. This Settlement Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Settlement Agreement.

CONSENT:

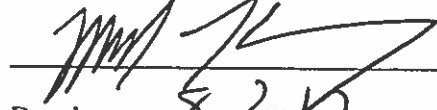
ADAM MIKKOLI GUNDERSON
RESPONDENT



Dated: 20 July 2017

COMPLAINT COMMITTEE

MARK FAHNING, Chair

 # 283

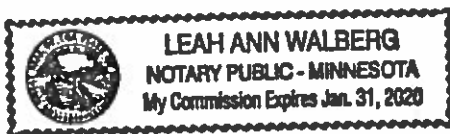
Dated: 8-2-17

Subscribed and sworn to before me on
this 20 day of July, 2017


NOTARY PUBLIC

My Commission Expires:

Jan 31, 2020



ORDER

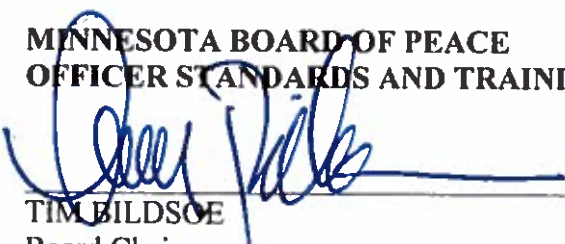
Upon consideration of the Settlement Agreement and all the files, records, and proceedings herein:

IT IS HEREBY ORDERED that the Board SUSPENDS Respondent Adam Mikkoli Gunderson's peace officer license for a period of three (3) days. Three (3) days of the suspension shall be STAYED for a period of three (3) years on the conditions described in the Settlement Agreement.

IT IS FURTHER ORDERED that the Board ADOPTS all the terms described in the Settlement Agreement.

Dated: 7-27, 2017

MINNESOTA BOARD OF PEACE
OFFICER STANDARDS AND TRAINING



TIM BILDSOE
Board Chair