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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-1112**

In the Matter of the Peace Officer License of
Jason Michael Sievert, No. 21239.

**Filed April 6, 2026
Affirmed
Segal, Judge***

Peace Officer Standards and Training Board
File No. PB 24-073

Mark Schneider, Renee Zachman, Law Enforcement Labor Services, Inc., Brooklyn Center, Minnesota (for relator Jason Michael Sievert)

Keith Ellison, Attorney General, Christopher M. Kaisershot, Assistant Attorney General, St. Paul, Minnesota (for respondent Peace Officer Standards and Training Board)

Considered and decided by Larkin, Presiding Judge; Cochran, Judge; and Segal, Judge.

NONPRECEDENTIAL OPINION

SEGAL, Judge

In this certiorari appeal from an order censuring relator's peace-officer license, relator argues that respondent's decision is affected by an error of law, is unsupported by substantial evidence, and is arbitrary and capricious. We affirm.

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10.

FACTS

Relator Jason Michael Sievert is a licensed peace officer who works as a deputy in the Isanti County Sheriff's Office.¹ In September 2023, Sievert's wife was conducting field work in her capacity as an assessor in neighboring Pine County. Sievert's wife called 911 after an armed individual confronted her about driving on his property and locked a gate, which left her trapped in her car behind an electrified fence. Deputies from the Pine County Sheriff's Office responded to the incident.

After the incident, Sievert's wife filled out a first-report-of-injury form for her employer. She testified that the report needed to be filed within 24 hours of an injury. She said she contacted the Pine County Sheriff's Office to obtain a copy of a report about the incident so that she could submit it with her form. She was told that no report had yet been prepared. Sievert's wife testified that, "at that point, [she] was concerned that [the matter] wasn't being taken very seriously, and [she] wasn't getting the information that [she] needed." She felt that she was being given "the runaround" and asked her husband to contact the Pine County Sheriff's Office on her behalf.

Sievert called the Pine County Sheriff's Office and was given the same information—that no report had yet been prepared. After being initially transferred, he requested to speak with a supervisor and was eventually transferred to Chief Deputy Scott Grice. Sievert left Grice a voicemail in which he identified himself as a deputy with the Isanti County Sheriff's Office. The voicemail was transcribed as follows:

¹ The facts are summarized from the testimony and record presented in the contested-case hearing before the administrative law judge (ALJ).

Hey Chief Deputy, this is Deputy Sievert from the Isanti County Sheriff's Office. I have a question regarding my wife's incident yesterday under 230919567. She was a county appraiser out doing her job yesterday and got, basically, held against her will within an electrified fence at a property. Just wanted to know if there was going to be a full-fledged report on this. I'm guessing her boss is going to be wanting one and also the County Administrator. If you can, give me a call at [phone number]. Again, her name is [wife's name]. Thanks.

Grice did not know Sievert but promptly returned his call, and the two spoke for about five minutes.

Grice testified that, during the phone call, Sievert several times demanded to know if a full report was being prepared or just notes from the deputies' response to the call. Grice said that he tried to explain that an investigation report was being prepared that would be referred to the county attorney's office, but that Sievert's tone was "confrontational" and "demanding." He believed that Sievert "was using his position to try to leverage any kind of decision for the sheriff's office." Grice testified that, toward the end of the call, Sievert repeated what he had stated in the voicemail message that he "was sure that [his wife's] boss[, the Pine County Assessor,] and [the Pine County Administrator] would want the report." Grice testified that it is not normal protocol to provide copies of reports to such individuals. Grice also testified that Sievert's phone call did not in fact influence the office's investigation and that the report was completed later that day and was forwarded to the county attorney's office.

Believing that Sievert acted inappropriately, Grice contacted the Isanti County Sheriff's Office and spoke with Chief Deputy John Gillquist about his concerns. Gillquist relayed the conversation to Isanti County Sheriff Wayne Seiberlich. The two of them then

met with Sievert to obtain his summary of what had occurred. Seiberlich testified that Sievert told them “that he felt his wife was getting the runaround, and that . . . they weren’t getting the answers that they thought they deserved.” Sievert acknowledged making these statements in the meeting. He also acknowledged telling Seiberlich and Gillquist that, if their spouse was involved, “you can’t tell me that [you] wouldn’t do the same.”

Seiberlich determined that Sievert’s contacts with the Pine County Sheriff’s Office violated several office policies, including conduct “that tends to reflect unfavorably upon the office or its members”; “[u]sing or disclosing one’s status as an employee with the office in any way that could reasonably be perceived as an attempt to gain influence or authority for non-office business or activity”; and “[u]sing or disclosing one’s status as an employee with the office in a way that could reasonably be perceived as an attempt to gain influence or authority for non-office business or activity.” Seiberlich issued Sievert a verbal warning. In the letter accompanying the warning, Seiberlich stated:

Though I understand the urge to protect your family, this phone call was made at a time you were off duty, yet you represented yourself as a member of this office. You used your title in a manner to influence a response. Your conversation with the Chief Deputy reflected negatively upon yourself and this office. It was not your place to speak on behalf of the Pine County Assessor’s Office or the Pine County Administrator.

In his testimony, Seiberlich further explained his decision to issue discipline:

One of the benefits that law enforcement has is we have the ability to share information . . . with other agencies, and we can do that without subpoenas or search warrants or documentation when it is a legitimate reason for investigative purposes or law

enforcement purposes.^[2] But it's a completely different thing if you identify yourself as a police officer and you try to get information from another agency for your own personal benefit, or for the benefit of a spouse.

Seiberlich additionally testified that he “chose to use the least amount of discipline I could in this, but something needed to be done.” Seiberlich stated that Sievert’s reaction to the discipline was that it was “harsh,” but Sievert did not grieve or otherwise contest the disciplinary action. Seiberlich then reported the matter to respondent Peace Officer Standards and Training Board (the board). Sievert did not self-report the matter to the board.

The board is responsible for the licensing of all peace officers in the state and is required to adopt rules establishing minimum standards of conduct for licensees. *See* Minn. Stat. §§ 626.84, subd. 1, .843, subd. 1 (2024). The board is also authorized, as relevant here, to suspend or revoke a peace officer’s license for violating those standards. *See* Minn. Stat. § 626.8432, subd. 1(a)(4) (2024).

The board referred Seiberlich’s report to a Complaint Investigation Committee for investigation. Based on its investigation, the committee recommended disciplinary action, asserting two violations of the board’s rules of conduct: (1) “misuse of a peace officer’s authority by: . . . the use or attempted use of one’s position or authority as a peace officer to obtain a benefit, avoid a detriment, or harm another,” which is set out in Minnesota Rule

² The Minnesota Government Data Practices Act provides that nothing in the act “prohibits the exchange of information by law enforcement agencies provided the exchanged information is pertinent and necessary to the requesting agency in initiating, furthering, or completing an investigation,” with certain exceptions not relevant here. Minn. Stat. § 13.82, subd. 24 (2024).

6700.1600, subpart 1(G)(1) (2023); and (2) failing to comply with the reporting requirement set out in Minnesota Rule 6700.1610, subparts 2 and 3 (2023), which requires that a licensee report to the board “any action, inaction, or condition of that licensee which the licensee reasonably believes would constitute grounds for disciplinary action under any of the board’s regulatory provisions” within “ten days after learning of the reportable event.”

The case proceeded to a contested-case hearing before an ALJ pursuant to section 214.10 of the Minnesota Statutes, which provides for an administrative hearing for board disciplinary proceedings. *See* Minn. Stat. § 214.10, subd. 12 (2024). Grice, Seiberlich, Sievert, and Sievert’s wife testified at the hearing, along with several other witnesses. The ALJ recommended against a determination that Sievert violated the misuse rule. The ALJ explained that “[a]lthough communicating his position and place of work was ill-advised and caused a reasonable perception of misuse that justified workplace discipline, the totality of the evidence does not show that [Sievert] had the requisite intent to violate the Board’s prohibition” by using or attempting to use his position or authority as a peace officer to obtain a benefit. The ALJ further reasoned that, if Sievert did not violate the misuse rule, he could not have reasonably believed that his conduct “would constitute grounds for disciplinary action under any of the board’s regulatory provisions.” The ALJ thus also recommended that Sievert should not be found in violation of the reporting rule.

The matter proceeded to the board for a final decision. After considering the evidence in the record and hearing arguments from Sievert and the Complaint Investigation Committee, the board determined that Sievert had violated both the misuse and reporting

rules. In its decision, the board modified three of the ALJ's findings by (1) adding a finding that Sievert admitted telling Seiberlich and Gillquist that they would do the same if their spouse was involved, and that "Seiberlich testified that he would not invoke his title for personal benefit and reiterated that it was wrong for Sievert to do so"; (2) deleting the ALJ's finding that incorporated any material fact set out in her memorandum as a finding of fact, replacing that with a statement that "[t]he Board declines to adopt and does not incorporate any findings and conclusions set forth in the ALJ's memorandum"; and (3) adding a finding that Seiberlich and Grice testified credibly, "particularly concerning their interactions with [Sievert]."³ The board censured Sievert's license but stayed suspension.

Sievert now seeks certiorari review of the board's decision to censure his peace-officer license.

³ The ALJ included a credibility finding concerning Grice's testimony in her memorandum, not in her findings of fact. She made no credibility finding concerning Seiberlich's testimony. As to Grice's credibility, the ALJ stated the following in her memorandum:

Grice's testimony that [Sievert] introduced himself as a Deputy when they spoke to one another on the phone is unsupported by the record. Grice conceded that [Sievert's] introduction occurred only once; the voicemail recording establishes when [Sievert] introduced himself. Grice's recollection of the telephone call is erroneous in at least that respect, diminishing the reliability of his testimony about the call.

Grice's testimony that [Sievert] was demanding and argumentative is contradicted by the Sieverts' testimony, and no more compelling.

DECISION

The Minnesota Administrative Procedure Act governs appellate review of the board's decision. *See* Minn. Stat. §§ 14.02, subd. 2, .57(a), 214.10, subd. 12 (2024). Under the act, an appellate court “may reverse or modify [a final] decision [in a contested case] if the substantial rights of the petitioner[] may have been prejudiced because,” as relevant here, the decision is affected by an error of law, unsupported by substantial evidence, or arbitrary or capricious. Minn. Stat. § 14.69 (2024).

An administrative agency's decision enjoys a presumption of correctness and appellate courts defer to the agency's expertise and special knowledge in its field.⁴ *In re Cities of Annandale & Maple Lake NPDES/SDS Permit Issuance*, 731 N.W.2d 502, 513 (Minn. 2007). Appellate courts defer to such expertise or special knowledge when (1) “the agency is interpreting a regulation that is unclear and susceptible to more than one reasonable interpretation or the agency's interpretation is reasonable”; or (2) “when the application of the regulation is primarily factual and necessarily requires application of the agency's technical knowledge and expertise to the facts presented.” *In re Rev. of 2005 Ann. Automatic Adjustment of Charges for all Elec. & Gas Utils.*, 768 N.W.2d 112, 119 (Minn. 2009) (quotation omitted).

In this appeal, Sievert's challenge to the board's decision is focused largely on the board's interpretation of the misuse rule. Sievert maintains that the rule requires evidence

⁴ In this regard, we note that ten of the 17 members that make up the board are required to be current or former licensed peace officers, including two county sheriffs, two chiefs of police, and the superintendent of the Minnesota Bureau of Criminal Apprehension or designee. *See* Minn. Stat. § 626.841 (2024).

of a specific intent to use one's position or authority for attempt violations—violations when no benefit is actually obtained. He contends that the board committed an error of law by interpreting the rule as not requiring proof of specific intent. Sievert also argues that the board's decision is not supported by substantial evidence because the record does not support that he either intended to misuse his position or authority or that he intended to obtain a "benefit" within the meaning of the rule. He asserts that the facts establish that he was only trying to assist his wife in obtaining information that any crime victim is entitled to receive. Sievert further argues that the board's decision is arbitrary and capricious because it found, without adequate explanation, that Grice's testimony was credible when the ALJ found, in her memorandum of law, that Grice's testimony about his call with Sievert had "diminish[ed] . . . reliability." Finally, Sievert challenges the board's determination that he violated the reporting rule, again asserting an error of law, lack of substantial evidence, and that the decision is arbitrary and capricious.

We address each argument in turn.

I. The board's decision that Sievert violated the misuse rule, Minn. R. 6700.1600, subp. 1(G)(1), is not based on an error of law, is supported by substantial evidence, and is not arbitrary or capricious.

A. The board's determination that Sievert violated the rule is supported by substantial evidence, even if the rule requires proof of specific intent.

Sievert's first argument is that the board's decision that he violated the misuse rule should be reversed because the board committed an error of law in interpreting the rule. He maintains that the rule requires proof of a specific intent to use his peace officer position

for the purpose of obtaining a benefit to constitute a violation of the attempt portion of the rule. Sievert contends that the record does not support that he had this intent.

The board maintains that the rule does not require proof of a specific intent and that a peace officer can be found in violation of the rule for even carelessly using one's position to attempt to obtain a benefit. The board notes that the rule lists three prohibited actions that constitute misuse and, of the three, only one is prefaced by the requirement that the action be malicious: "maliciously procuring a search warrant." Minn. R. 6700.1600, subp. 1(G)(3) (2023). The board reasons that the express inclusion of a scienter requirement in 1(G)(3) and the absence of any such requirement in 1(G)(1), the provision at issue here, establishes that scienter is not a required element of 1(G)(1). *See, e.g., In re Ins. Agents' Licenses of Kane*, 473 N.W.2d 869, 876-77 (Minn. App. 1991) (deeming the absence of a scienter requirement in one provision of a statute to be intentional when scienter is expressly required in other provisions), *rev. denied* (Minn. Sept. 25, 1991).

We need not resolve this dispute, however, because there is no claim by the board in this case that Sievert's violation was the result of carelessness. We thus assume, without deciding, that the rule requires proof of a specific intent to attempt to use "one's position or authority as a peace officer, to obtain a benefit, avoid a detriment, or harm another." Minn. R. 6700.1600, subd. 1(G)(1).

The next step in our analysis is to assess whether there is substantial evidence in the record to support the board's finding that Sievert had such intent. The "substantial evidence" standard has been interpreted as requiring "(1) such relevant evidence as a reasonable mind might accept as adequate to support a conclusion; (2) more than a scintilla

of evidence; (3) more than some evidence; (4) more than any evidence; or (5) the evidence considered in its entirety.” *In re Admin. Order Issued to Wazwaz*, 943 N.W.2d 212, 216-17 (Minn. App. 2020) (quotation omitted), *rev. denied* (Minn. June 30, 2020). Under this standard, we will not disturb an agency’s decision if “it has adequately explained how it derived its conclusion and that conclusion is reasonable in the basis of the record.” *In re Enbridge Energy, Ltd. P’ship*, 964 N.W.2d 173, 189 (Minn. App. 2021) (quotations omitted), *rev. denied* (Minn. Aug. 24, 2021). So long as an agency engages in reasoned decision-making, an appellate court “will affirm, even though it may have reached a different conclusion had it been the factfinder.” *Cable Commc’ns Bd. v. Nor-West Cable Commc’ns P’ship*, 356 N.W.2d 658, 669 (Minn. 1984).

If specific intent is required, which we are assuming for purposes of this opinion, then the record must contain substantial evidence that Sievert possessed a specific intent to use his position and that the purpose of that use was to obtain a benefit. Intent can be proved either through direct evidence or by inference. *See In re Appeal by Kind Heart Daycare, Inc. v. Comm’r of Hum. Servs.*, 905 N.W.2d 1, 13 (Minn. 2017) (relying on circumstantial evidence in determining that substantial evidence supports the commissioner’s determination that an individual acted with “intent to defeat the purposes of . . . child care assistance programs” (quoting Minn. Stat. § 256.98, subd. 1 (2016))); *cf. State v. Cruz*, 997 N.W.2d 537, 552 (Minn. 2023); *Iowa Kemper Ins. Co. v. Stone*, 269 N.W.2d 885, 887 (Minn. 1978); *Potter v. Ernst & Young, LLP*, 622 N.W.2d 141, 145 (Minn. App. 2001). Because of the absence of direct evidence of intent in this case, proof of intent relies on inference.

Sievert argues that the following circumstances support that he lacked the requisite intent: he was calling on behalf of his distressed wife, just like any spouse would do in a similar situation; he used his peace officer title only in the voicemail that he left for Grice and did not reference it any other time in his initial call or during the return call from Grice; and the use of his title was inadvertent and out of habit based on the frequent work-related calls he has with other law-enforcement agencies where he identifies himself using his job title. We are not persuaded, however, that this undermines the board's findings to the contrary.

Here, the record establishes that Sievert called the Pine County Sheriff's Office because his wife believed she was getting "the runaround." It is reasonable to infer that Sievert then made the call believing that he might be able to cut through the perceived "runaround" because of his position as a fellow sheriff's deputy. Indeed, if Sievert was not a peace officer, there is no reason to believe that a law-enforcement agency would be any more responsive to the spouse of a crime victim than to the actual victim and there would be no reason for Sievert to make the call. And the fact is that Sievert did identify himself as a sheriff's deputy in the voicemail message that he left for Grice. In addition, Sievert told his sheriff and chief deputy that they would have acted likewise if their spouses were in a similar situation.

These uncontested facts support an inference that he used his position when making the call to the Pine County Sheriff's Office. As such, the record contains "substantial evidence" supporting the board's determination that Sievert "used his position" when

making the call to the Pine County Sheriff's Office, even though a different inference might also be supported by the facts. *See Cable Commc'ns Bd.*, 356 N.W.2d at 669.

The next question is whether Sievert used his position to obtain a *benefit*. Sievert argues that there was no benefit to be gained because his wife, as the victim of the incident, was entitled to receive a copy of the report.⁵ The board came to a contrary conclusion. The board based its finding, in part, on the fact that Sievert communicated to the Pine County Sheriff's Office that he wanted to make sure that there was going to be a "full-fledged report" and not just notes of the incident, with Grice assuring Sievert that there would be such a report with a referral to the county attorney's office for review for potential charging. Sievert's statements in both the voicemail and the call with Grice that the Pine County Administrator and Assessor would want copies of the report lends support to the board's determination that Sievert sought heightened attention to his wife's case, arguably implying that the top-level administrators in the county had an interest in the outcome.

The word "benefit" is not defined in the rule, but we can look to dictionary definitions to determine its plain meaning. *See Larson v. Nw. Mut. Life Ins. Co.*, 855 N.W.2d 293, 301 (Minn. 2014) ("[Appellate courts] often look to dictionary definitions to

⁵ The board argues that Sievert's contention is inaccurate. It notes that "[a]ctive criminal investigative data are classified [under the Minnesota Government Data Practices Act] as confidential or protected nonpublic, meaning they are not public and inaccessible even to the subject of the data," citing Minn. Stat. § 13.82, subd. 7 (2024). But "[a] crime victim may nevertheless access certain active investigative data upon a written request to the prosecuting authority, based on that prosecutor's discretion." The board thus contends that, because Sievert is not the crime victim, he was not entitled to receive any protected data. The board also notes that his wife never made a written request. We express no opinion on this issue.

determine the plain meanings of words.”). Black’s Law Dictionary defines “benefit” as “[t]he advantage or privilege something gives; the helpful or useful effect something has.” *Black’s Law Dictionary* 193 (12th ed. 2024) (defining benefit). And the American Heritage Dictionary similarly defines “benefit” as “[s]omething that promotes or enhances well-being; an advantage.” *The American Heritage Dictionary of the English Language* 168 (5th ed. 2018). Consistent with these definitions, we conclude that “benefit,” when used in this context, refers to the receipt of some advantage or helpful or useful result. Using these definitions, we conclude that there is substantial evidence to support the board’s determination that Sievert attempted to seek a benefit from his calls with the Pine County Sheriff’s Office—that he was seeking the “helpful or useful” result or “advantage” of cutting through “the runaround” and ensuring that a “full-fledged report” would be prepared that would be sent to the county attorney’s office for review.

We therefore conclude that the board’s determination that Sievert violated the misuse rule is supported by substantial evidence in the record.

B. The board’s decision that Sievert violated rule 6700.1600, subpart 1(G)(1), is not arbitrary or capricious.

Sievert next argues that the board’s decision that he violated rule 6700.1600, subpart 1(G)(1), is arbitrary and capricious because the board modified the ALJ’s findings, including a change in the ALJ’s finding regarding Grice’s credibility. An agency’s decision is arbitrary and capricious when “it is an exercise of the agency’s will, rather than its judgment, or if the decision is based on whim or is devoid of articulated reasons.” *CUP Foods, Inc. v. City of Minneapolis*, 633 N.W.2d 557, 565 (Minn. App. 2001), *rev. denied*

(Minn. Nov. 13, 2001). But we must also bear in mind that we “afford deference to the agency’s decision” and, consequently, “our review of the [agency’s] decision is guided by the principle that the agency’s conclusions are not arbitrary and capricious so long as a rational connection between the facts found and the choice made has been articulated.” *Rev. of 2005 Ann. Automatic Adjustment*, 768 N.W.2d at 120 (quotations omitted). As such, “[i]f there is room for two opinions on a matter, [an agency’s] decision is not arbitrary and capricious, even though the court may believe that an erroneous conclusion was reached.” *Id.*

In evaluating whether an agency’s decision is arbitrary or capricious, we consider whether the decision

- (a) relied on factors not intended by the legislature; (b) entirely failed to consider an important aspect of the problem;
- (c) offered an explanation that runs counter to the evidence; or
- (d) the decision is so implausible that it could not be explained as a difference in view or the result of the agency’s expertise.

In re Waters, 977 N.W.2d 874, 885 (Minn. App. 2022) (quotation omitted).

Sievert argues that the decision was arbitrary and capricious because the board made findings contrary to the ALJ’s findings without adequately explaining the basis for the deviation. He points, in particular, to the differing interpretations of the reliance to be placed on Grice’s testimony. The ALJ found Grice’s testimony less reliable because he mistakenly testified that Sievert stated his job title in the phone call with him instead of in the voicemail message. The ALJ also questioned “Grice’s testimony that [Sievert] was

demanding and argumentative” because it contradicted testimony by Sievert and his wife that he was “cordial and respectful and not demanding.”⁶

In its decision, the board came to a different conclusion and found that “Grice testified credibly at the hearing, particularly concerning [his] interactions with” Sievert, stating that it accorded “significant weight” to the testimony of Grice and Seiberlich. Although the board, as the final decision-maker, has a duty to independently weigh all the evidence in the record, the board must explain its reasons for deviating from an ALJ’s findings of fact, conclusions of law, and recommendations. Minn. Stat. § 14.62, subd. 1 (Supp. 2025) (“A decision or order that rejects or modifies a finding of fact, conclusion, or recommendation contained in the report of the administrative law judge required under sections 14.48 to 14.56 . . . must include the reasons for each rejection, modification, or request for remand.”); *see also CUP Foods*, 633 N.W.2d at 565. For its explanation of the reason for reaching a different assessment of Grice’s credibility, the board noted in the decision that “[t]he Board, like [the] testifying officers, used its experience, technical competence, and specialized knowledge of policing in the evaluation of the conduct at issue and the evidence in the record.” We agree with Sievert that this is less than a complete explanation. We are not persuaded, however, that this renders the decision arbitrary or capricious.

The tone used by Sievert in his phone conversation with Grice, whether it was confrontational or respectful, is irrelevant to the issue of whether he used his position to

⁶ We note that the ALJ offered no further explanation of why she favored the Sieverts’ testimony concerning his demeanor in the call over Grice’s testimony.

attempt to obtain a benefit. It is the use of his position that is the crux of the rule violation, not the tone that Sievert may have used in his conversation with Grice. Moreover, Sievert's voicemail was recorded and was admitted into evidence without any dispute by Sievert concerning its accuracy. The contents of that voicemail establish the elements of the rule violation, almost independent of the subsequent phone conversation between Grice and Sievert. And Sievert acknowledged in his testimony that he told Grice during the phone call that he wanted a detailed report to be prepared with copies sent to the Pine County Administrator and Assessor. Finally, it seems reasonable that the board could have viewed the fact that Grice initially testified that Sievert identified himself as a sheriff's deputy in the phone call, instead of in the voicemail, as a minor discrepancy and not evidence that Grice's testimony was unreliable. For these reasons, we conclude that the board's determination that Sievert violated the misuse rule is not arbitrary or capricious.

II. The board's decision that Sievert violated Minn. R. 6700.1610, subps. 2 and 3, is not affected by an error of law, unsupported by substantial evidence, or arbitrary or capricious.

Sievert next argues that the board's decision that he violated Minn. R. 6700.1610, subps. 2, 3, by failing to report his purported misconduct is affected by an error of law, unsupported by substantial evidence, and arbitrary and capricious. Sievert's error of law argument is based on his contention that he did not violate the misuse rule. Because we are affirming the board's determination to the contrary, that argument is not sustainable.

Sievert next argues that, even if he violated the misuse rule, the board failed to prove that he reasonably believed that he was required to report this conduct. We disagree.

As noted above, “[a] licensee must report to the board . . . any action, inaction, or condition of that licensee which the licensee reasonably believes would constitute grounds for disciplinary action under any of the board’s regulatory provisions.” Minn. R. 6700.1610, subp. 2. Here, Sievert acknowledged that he failed to report his conduct to the board and wrote in his response to the board committee conducting the investigation that he “take[s] full responsibility for not contacting the [board] as highlighted and outlined to do so.” In addition, Sievert was issued discipline by his employer for violating policies of the sheriff’s office, including “[u]sing or disclosing one’s status as an employee with the office in any way that could reasonably be perceived as an attempt to gain influence or authority for non-office business or activity,” and “[u]sing or disclosing one’s status as an employee with the office in a way that could reasonably be perceived as an attempt to gain influence or authority for non-office business or activity.” Sievert accepted the discipline and did not pursue a grievance or otherwise contest the disciplinary action. Although the sheriff’s office policies he was found to have violated are not identical to the misuse rule—the sheriff’s office policy focuses on “reasonable perception”—they are similar enough that Sievert should reasonably have known that he had a duty to report the matter to the board. These facts satisfy the “substantial evidence” standard.

For his final argument, Sievert asserts that the determination is arbitrary and capricious because the board failed to consider the whole record and, instead, focused on the discipline given Sievert by the Isanti County Sheriff’s Office. We reject this argument as well. The board’s decision reflects that it considered the entire record before the ALJ. And, as previously noted, just because there may be “room for two opinions on a matter,”

that does not mean that a decision is arbitrary or capricious so long as the agency articulates a rational connection between the facts found and the choice made. *Rev. of 2005 Ann. Automatic Adjustment*, 768 N.W.2d at 120. The board's decision meets that standard.

Affirmed.