

STATE OF SOUTH DAKOTA



**OFFICE OF ATTORNEY GENERAL**

1302 East Highway 14, Suite 1  
Pierre, South Dakota 57501-8501

Phone (605) 773-3215

Fax (605) 773-4106

<http://atg.sd.gov>

**MARTY J. JACKLEY**  
ATTORNEY GENERAL

**BRENT K. KEMPEMA**  
CHIEF DEPUTY

April 17, 2025

Todd Wilkinson  
Attorney at Law  
103 Joliet Ave, SE  
DeSmet, SD 57231

Adam Ochsner, Township Supervisor  
Carlyle Township  
38950 218<sup>th</sup> Street  
Alpena, SD 57312

Re: In the Matter of Open Meeting Complaint 2024-06, Carlyle Township – Beadle County

Dear Mr. Wilkinson & Mr. Ochsner,

Enclosed please find proposed Findings of Fact and Conclusions of Law regarding the above referenced matter. You may submit objections to the proposed Findings and Conclusions, or you may propose alternate Findings and Conclusions, no later than the close of business on April 29<sup>th</sup>. Please submit any objections or proposed Findings or Conclusions to me via email ([steven.blair@state.sd.us](mailto:steven.blair@state.sd.us)) or at the address indicated above. Any objections or proposed Findings or Conclusions will be considered at the time the Commission takes final action to adopt Findings and Conclusions in this matter.

The Commission will be holding a meeting on May 2, 2025, and will consider the findings and conclusions. A Notice of Hearing, and proposed agenda, regarding the May 2 meeting are also enclosed. As you can see from the agenda, consideration of the proposed findings and conclusions will begin at 2:00 p.m. mountain time or as soon thereafter as matters may be heard. You are not required to be present for consideration of proposed Findings and Conclusions.

April 17, 2025

Re: In the Matter of Open Meeting Complaint 2024-06, Carlyle Township – Beadle County

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If you have any questions, please don't hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "SRB", followed by a long horizontal flourish.

Steven R. Blair  
Assistant Attorney General

SRB/jm  
Enclosure

STATE OF SOUTH DAKOTA  
OPEN MEETINGS COMMISSION

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IN THE MATTER OF OPEN	)	OMC 2024-06
MEETINGS COMPLAINT AGAINST	)	
CARLYLE TOWNSHIP – BEADLE	)	FINDINGS OF FACT,
COUNTY	)	CONCLUSIONS OF LAW, &
	)	DECSISION

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The above captioned matter was heard before the South Dakota Open Meetings Commission (Commission) on November 25, 2024. Complainants, Todd & Terry Koerner, appeared personally. The Carlyle Township Board of Supervisors appeared through Township Supervisor Adam Ochsner. Prior to the hearing, the Commission reviewed the written submissions of the parties as well as any other exhibit, pleading or paper on file herein. Based upon the materials submitted, and the arguments of the parties, the Commission enters the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. The Commission takes official notice that Carlyle Township is located in Beadle County, South Dakota, and has been organized and operated according to applicable provisions of South Dakota Codified Law.
2. The Commission further takes notice that the Carlyle Township Board of Supervisors is the public body elected pursuant to applicable provisions of state law to govern Carlyle Township.
3. SDCL 1-25-1.1 requires in pertinent part that:

[e]ach political subdivision shall provide public notice, with proposed agenda, that is visible, readable, and accessible for at least an entire, continuous twenty-four hours immediately preceding any official meeting, by posting a copy of the notice, visible to the public, at the principal office of the political subdivision holding the meeting. The proposed agenda shall include the date, time, and location of the meeting. The notice shall also be posted on the political subdivision's website upon dissemination of the notice, if a website exists.

4. Carlyle Township's procedure for compliance with the requirements of SDCL 1-25-1.1 is to post the agenda for its meetings on the front door of the residence that serves as its principal office.

5. The Township met on October 24, 2023, but no agenda was posted at its principal office twenty-four hours in advance of the meeting as required by SDCL 1-25-1.1.

6. Todd & Terry Koerner submitted an open meetings violation to the Beadle County State's Attorney's Office on February 28, 2024. The Koerner's alleged that Carlyle Township failed to comply with the posting requirements of SDCL 1-15-1.1.

7. On February 22, 2024, Beadle County State's Attorney Mike Moore forwarded the complaint to the Commission pursuant to SDCL § 1-25-6(3).

8. Before the Commission, Carlyle Township admitted that the agenda for the October 24, 2023, meeting was not posted as required by SDCL 1-25-1.1. The Township indicated that the Township Secretary failed to post the agenda, and that the Board of Supervisors was not aware of this failure until several months after the meeting.

9. Any Finding of Fact more appropriately labeled as a Conclusion of Law is hereby re-designated as such and incorporated below therein.

#### CONCLUSIONS OF LAW

1. The Carlyle Township Board of Supervisors, as the governing body of Carlyle Township, Beadle County, South Dakota, is a public body subject to the open meetings requirements of SDCL ch. 1-25. The Open Meeting Commission has jurisdiction over this matter pursuant to SDCL ch. 1-25.

2. It is not disputed that Carlyle Township failed to physically post the agenda of its October 24, 2023, meeting as required by SDCL 1-25-1.1. The Commission concludes that the Carlyle Township Board of Supervisors did violate the open meetings laws by failing to properly post physical notice of the Township's October 24, 2023, meeting.

3. Any Conclusion of Law more appropriately labeled as a Finding of Fact is hereby re-designated as such and incorporated above therein.

#### DECISION

Based upon the foregoing Findings of Fact and Conclusions of Law, the South Dakota Open Meetings Commission hereby **REPRIMANDS** the Carlyle Township Board of Supervisors for violating SDCL 1-25-1.1 by failing to physically post a copy of the proposed agenda for the City's October 23, 2023, meeting on the City's website.

Decision entered by Commissioners **Sovell (Chair), A. Hoffman, K. Hoffman, Russell, & Smith.**

OMC 2024-06  
Carlyle Township  
Findings and Conclusions

Dated this \_\_\_\_\_ day of May, 2025.

SOUTH DAKOTA OPEN MEETINGS COMMISSION

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Emily Sovell, Chair

STATE OF SOUTH DAKOTA  
OPEN MEETINGS COMMISSION

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IN THE MATTER OF OPEN	)	OMC 2024-05
MEETINGS COMPLAINT AGAINST	)	
CARLYLE TOWNSHIP – UNION	)	NOTICE OF HEARING
COUNTY	)	

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TO: Terry & Todd Koerner, by and through their attorney, Todd Wilkinson, Attorney at Law, 103 Joliet Avenue SE, DeSmet, South Dakota 57231; and Adam Ochsner, Township Supervisor, Carlye Township, 38950 218<sup>th</sup> Street, Alpena, South Dakota 57312:

Please take notice that the final action to adopt the Findings of Fact, Conclusions of Law and Decision regarding the above referenced open meetings complaint will be held before the South Dakota Open Meetings Commission, at The Lodge at Deadwood, Cody Room, 100 Pine Crest Drive, Deadwood, South Dakota, on Friday, May 2, 2025. You are not required to be present, however, if you would like to be present the hearing will commence at 2:00 P.M. mountain time and proceed in the order noted in the attached agenda.

Dated this 17th day of April 2025.



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Steven R. Blair  
Assistant Attorney General  
1302 East Highway 14, Suite 1  
Pierre, South Dakota 57501  
Telephone: (605) 773-3215

STATE OF SOUTH DAKOTA  
OPEN MEETINGS COMMISSION

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IN THE MATTER OF OPEN	)	OMC 2024-06
MEETINGS COMPLAINT AGAINST	)	
CARLYLE TOWNSHIP – BEADLE	)	CERTIFICATE OF SERVICE
COUNTY	)	

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The undersigned hereby certifies that a true and correct copy of the proposed Findings of Fact, Conclusions of Law, & Decision and Notice of Hearing in the above-captioned matter, were served by United States mail, first class, postage prepaid upon Terry & Todd Koerner, by and through their attorney, Todd Wilkinson, Attorney at Law, 103 Joliet Avenue SE, DeSmet, South Dakota 57231; and Adam Ochsner, Township Supervisor, Carlye Township, 38950 218<sup>th</sup> Street, Alpena, South Dakota 57312, on this 21st day of October 2024.



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Steven R. Blair  
Assistant Attorney General  
1302 East Highway 14, Suite 1  
Pierre, South Dakota 57501  
Telephone: (605) 773-3215



SOUTH DAKOTA OPEN MEETINGS COMMISSION

**AGENDA**

THE LODGE AT DEADWOOD  
CODY ROOM  
100 PINE CREST DR.  
DEADWOOD, SOUTH DAKOTA

May 2, 2025  
2:00 p.m. Mountain Time

1. Approval of the Agenda
2. Public Comment period as per SDCL 1-25-1
3. Approval of the Minutes of February 24, 2025, meetings
4. Consideration of Findings of Fact and Conclusions of Law
  - A. In the Matter of Open Meeting Complaint 2021-02 Bennett County Board of Commissioners
  - B. In the Matter of Open Meeting Complaint 2024-01 Martin City Council
  - C. In the Matter of Open Meeting Complaint 2024-02 Bennett County Board of County Commissioners
  - D. In the Matter of Open Meeting Complaint 2024-03 Piedmont Board of Trustees
  - E. In the Matter of Open Meeting Complaint 2024-04 Lincoln County Commission
  - F. In the Matter of Open Meeting Complaint 2024-05 North Sioux City City Council
  - G. In the Matter of Open Meeting Complaint 2024-06 Carlyle Township
  - H. In the Matter of Open Meeting Complaint 2024-07 Pennington County Board of Commissioners
  - I. In the Matter of Open Meeting Complaint 2024-08 Sturgis City Council
  - J. In the Matter of Open Meeting Complaint 2024-09 City of Lead Commission
  - K. In the Matter of Open Meeting Complaint 2024-10 Green Valley Sanitary District
  - L. In the Matter of Open Meeting Complaint 2024-11 Charles Mix County Commission

*M. In the Matter of Open Meeting Complaint 2024-12 Tripp City Council*

5. Discussion regarding 2026 Legislative Session
6. Discussion regarding future meeting.

All items are scheduled for 2:00 p.m. Mountain Time. Scheduled items may be delayed or moved to a later agenda item at the discretion of the OMC.

**Notice is given to individuals with disabilities that this meeting is being held in a physically accessible location. Please notify the Attorney General's Office, 605-773-3215, at least 48 hours before the meeting if you have a disability for which special arrangements must be made.**