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SOUTH DAKOTA

OPEN MEETINGS COMMISSION

=====

IN THE MATTER OF OPEN MEETING
COMPLAINT 2024-09 CITY OF
LEAD COMMISSION

=====

MONDAY, NOVEMBER 25, 2024
MATTHEWS TRAINING CENTER
523 EAST CAPITOL AVENUE
PIERRE, SOUTH DAKOTA 57501

COMMISSION MEMBERS PRESENT:

EMILY SOVELL, CHAIR
KATELYNN HOFFMAN
LANCE RUSSELL (by Teams)
MICHAEL SMITH
AUSTIN HOFFMAN

APPEARANCES:

As Counsel to the Commission: STEVEN R. BLAIR
Attorney General's Office
PO Box 70
Rapid City, SD 57702

1 MONDAY, NOVEMBER 25, 2024

2 CHAIRWOMAN SOVELL: We will then go into the next item
3 on the agenda, which is 2024-09, City of Lead Commission.
4 Materials that were circulated to the commissioners as we pull
5 our files forward were the initial complaint, the July 31
6 acknowledgements, two of those, August 9 letter from the City
7 of Lead, August 26 letter from Gordon Phillips, September 2
8 letter from the City of Lead Commission, October 21 letter to
9 the parties, notice of hearing, proposed agenda, and our
10 certificates of service. We will go into the complaint on this
11 one. The complainant, Gordon Phillips, are you here in person?

12 MR. PHILLIPS: Yes, ma'am.

13 CHAIRWOMAN SOVELL: Go ahead and come forward and as
14 with the others, you will be given 15 minutes. A portion of
15 that can be reserved at the end, if you are so inclined. Mr.
16 Blair is ready with the time block.

17 MR. BLAIR: Can we verify whether Mr. Johns is on line
18 with the City of Lead? Tim, are you there?

19 MR. JOHNS: Thank you very much.

20 CHAIRWOMAN SOVELL: We were making sure we had all the
21 requisite parties. We will go ahead and we will let you
22 proceed, Mr. Phillips.

23 MR. PHILLIPS: My complaint is rather simple. I
24 believe that there is scheming behind the public's knowledge
25 being conducted by the mayor and certain staff and different

1 people, and part of that revolves around trying to raise funds
2 for a community center; so that's at the heart of this.

3 There was notice in the Black Hills Pioneer that
4 certain city staff, under the cloak of a community center
5 foundation, were going to the state legislature to lobby. I
6 did a search to see if they had registered as lobbyists for the
7 state, as stated in the paper for the community center.
8 Instead I found that they had registered with the state that
9 they were going to be lobbying as authorized by the city, and
10 those documents that you have, I sent an email note to one of
11 the commissioners, Robb Carr.

12 I asked him specifically when in a meeting did that
13 authorization happen from the city commission and about who was
14 paying. You have the email from Commissioner Carr. He states
15 that his recollection to that was this was falling between
16 meetings and so there was an email poll, and he says in there
17 that he believes that they authorized that, but he stated
18 concerning funds that they wouldn't be able to do that, that
19 there would be no city funds that would be spent, that he
20 wasn't supposed to seek any of that, which is kind of
21 disconcerting about what's all going on.

22 So from the city, we have a city administrator, John
23 Wainman, he's the one that gives testimony to that, and in that
24 he gave testimony that at no time did he nor the city
25 commission ever authorize those employees to be under the color

1 of the city and to testify. And yet the minutes from the
2 state, the audio and the Secretary of State's office all reveal
3 that that is exactly how they appeared.

4 His statement, I believe, in the summary by Tim Johns
5 and your second letter that you got from me, I believe that is
6 a material testimony that, to me, and I'm not an attorney, but
7 that seems to me to have been misleading this Commission and
8 not taking all of it serious, in order to refute the facts,
9 which are in evidence, and to try to turn the conversation into
10 an approval of time off, which doesn't necessitate city
11 commission approval. I will concede that point, I do not
12 believe that it does.

13 So we have before us a city commissioner who, when I
14 asked him if there was a decision on this, he said it took
15 place in an email question. And the city, to my view, the city
16 has not provided any evidence to the contrary. John Wainman
17 talks about an email, I didn't see it, I don't believe they
18 provided it to you. We have no testimony from the mayor, who
19 signed the authorization to be lobbyists. We have no
20 testimony, you nor I, have any testimony, aside from that
21 email, of whether there was or wasn't any type of email
22 discussion outside of the public which authorized this
23 behavior. I'll reserve my time.

24 CHAIRWOMAN SOVELL: Thank you. Time remaining will
25 be?

1 MR. BLAIR: 11 minutes.

2 CHAIRWOMAN SOVELL: You have 11 minutes for rebuttal.
3 With that, we will go right into the response. You too will be
4 provided 15 minutes. If Mr. Blair is ready, you may go ahead.

5 MR. JOHNS: Thank you, Madam Chair. Thank you for
6 this opportunity for the City of Lead to appear by internet on
7 the complaint of Mr. Gordon Phillips of May 8 of 2024. The
8 complaint itself raised two alleged violations by the Lead City
9 Commission of South Dakota meetings laws found in SDCL Chapter
10 1-25.

11 The first legal issue was whether the proposed agenda
12 of the Lead City Commission for the January 2, 2024, meeting
13 violated the notice requirement of SDCL 1-25-1.1. On that date
14 the community center update was listed on the proposed agenda
15 as one of the items to be heard by the commission. Then after
16 hearing a presentation by the Lead Community Center Foundation
17 on its efforts to raise funds to replace the current building,
18 the commission passed a motion to support those same efforts
19 without any financial commitment by the city at that time.

20 In its May 30, 2024, report of the Lawrence County
21 State's Attorney to the Open Meeting Commission, it was found
22 that there was no violation of the open meeting laws concerning
23 that January 2, 2024, meeting by the Lead commission. And
24 therefore, based upon the previous discussion that I heard here
25 today, I understand that that matter is no longer within the

1 jurisdiction of the committee, and so I will save any legal
2 arguments pertaining to that and address then the second issue.

3 The Lawrence County State's Attorneys Office report
4 posed the second legal issue as, quote, was an email poll of
5 the city commissioners a violation of the South Dakota open
6 meeting laws, end quote. Because the State's Attorneys
7 Office's information was based only on the complaint, it did
8 not have all relevant facts, such that it reported it was
9 unable to reach any conclusion whether the Lead City Commission
10 approved expenditure of public funds outside an official public
11 meeting, in violation of SDCL 1-25-1.

12 The city has denied that the poll itself resulted in
13 any meeting of the commission and has also denied that there
14 was any expenditure of public funds for the trip to Pierre by
15 the two city employees to give testimony before a legislative
16 committee in support of the foundation's bill for funding
17 replacement of the community center.

18 It is the contention of the city, based on the
19 recitation of all the facts leading up to the attendance of the
20 two city employees at the legislative appropriations hearing to
21 give their testimony, that those facts establish first that the
22 email poll was never answered by any of the commissioners,
23 except the mayor. And since it was the city administrator,
24 under the authority of his office, which allows him to approve
25 any attendance of employees or to allow them to be gone, it

1 must be concluded that the commission never approved the Lead
2 staff to travel to the legislature and to testify as lobbyists
3 before the legislative committee.

4 And second, since the employees were only allowed to
5 attend using their personal leave time and were denied any
6 travel expenditures, it must be concluded that no public funds
7 were ever expended by the City of Lead for their trip before
8 that legislative committee.

9 The email polling question was based on an answer by
10 Lead City Commissioner Carr to an email he received from Mr.
11 Phillips asking the commission whether it had authorized Lead
12 city staff to travel to the legislature to testify as lobbyists
13 on behalf of a bill approving state funding for the community
14 center.

15 To the email, Commissioner Carr replied in part that
16 it was his recall that the commission had, quote, authorized
17 her, referring to employee Robin Lucero, to go in support of
18 the bill, end of quote, which is then a reference to House Bill
19 1103. He then went on to state that, quote, because it was
20 dropping between meetings, we couldn't do it at a meeting, but
21 they polled us by email, end of quote.

22 While the email response of Commissioner Carr
23 appropriately raises a concern that the commissioners did
24 approve the expenditure of public funds for the city employees
25 to travel to Pierre to give testimony, via the poll sent to

1 them, the facts of this matter do not support any conclusion
2 that there was an actual approval at a meeting held outside of
3 a public meeting.

4 The email Commissioner Carr is referring to is from
5 the city administrator, John Wainman, he said shortly after the
6 January 2nd meeting. It was after he received a request from
7 city employees Dennis Schumacher and Robin Lucero, who are also
8 members of the community center foundation, wherein they
9 requested that they be permitted to attend the hearing on House
10 Bill 1103, to give testimony and support it. In the email, Mr.
11 Wainman asked if the commissioners had any thoughts about the
12 attendance of the employees to give testimony.

13 However, as to this request, Mr. Wainman, in his
14 unsworn statement of facts has related, under the penalties of
15 perjury, that he did not receive any replies to this email
16 poll, except one from the mayor. Thus the email poll did not
17 result in any meeting outside of the public authorizing a
18 public expenditure in violation of SDCL 1-25-1.

19 In addition, since Mr. Wainman did not have an action
20 of the commission in an open public hearing approving the
21 expenditure of public funds for the attendance of those
22 employees to go to Pierre and give testimony on the bill, he
23 did at one point, under his authority as the city
24 administrator, authorize them to take personal leave to go to
25 Pierre to speak on behalf of the foundation. In so doing, he

1 also advised them that the city would not be paying any of
2 their expenses to go, since all expenses would have to be
3 covered by the foundation. Thus no public funds have been
4 expended for this trip.

5 As an aside, the poll itself, given its timing, was
6 appropriate because any results that would have been an agenda
7 item requiring action at the next commission meeting, scheduled
8 for January 16 of 2024, could have been the topic or would have
9 been the topic that -- well, it could have been addressed at
10 that time. It was at the January 16 commission meeting that
11 the topic of the new community center proposal was again
12 addressed.

13 Following Mr. Wainman's email poll, a letter was
14 drafted bearing a date of January 11 of 2024 from Mayor Ron
15 Everett and the commissioners addressed to the South Dakota
16 legislators, the subject of which was the City of Lead's
17 support for the funding request for a new community center in
18 Lead. The letter was set as an agenda item for the Lead City
19 Commission meeting that then was held on January 16, 2024. At
20 that meeting, a motion approving the signature on the letter of
21 support from Mayor Ron Everett and the commissioners then was
22 passed.

23 Thereafter, on January 18, 2024, South Dakota
24 Legislative House Bill 1103 requesting \$10 million from the
25 state general funds for the purpose of a grant to the City of

1 Lead --

2 CHAIRWOMAN SOVELL: For time purposes of tracking
3 time, you have five minutes, for time tracking.

4 MR. JOHNS: Thank you. As a pass through, preliminary
5 construction of a new community center was first read in the
6 legislature, at which time a hearing date was set for January
7 25, 2024. And then on that date, the same day the house bill
8 was first read, Lead Mayor Ron Everett did sign an
9 authorization authorizing Schumacher and Lucero to register
10 with the South Dakota Secretary of State as lobbyists for the
11 City of Lead for the purposes of giving testimony on the bill.

12 Such authorization was necessary and appropriate,
13 since the bill required that the city would serve as a pass
14 through for any funding that would be appropriated to us, thus
15 necessitating someone appear before the legislative committee
16 on behalf of the city. And it was also considered in keeping
17 with the city's letter dated January 11 in support of that
18 funding request.

19 In addition and finally, the authorization did not
20 provide for the expenditure of any public funds requesting any
21 agreement for any of the commissioners at a public hearing. In
22 conclusion, because Mr. Wainman never received the required
23 responses to his email poll, it was his decision and it was his
24 decision alone to allow Schumacher and Lucero to attend the
25 January 25th hearing in Pierre on the condition that they would

1 take personal time for the trip and upon the condition that
2 they would not receive any reimbursement from the City of Lead
3 for that trip.

4 For these reasons, for all those previously stated,
5 the city then requests that both questions before this
6 Commission be held to be without merit, as there have been no
7 violations shown of South Dakota open meeting laws. I'll stand
8 by for questions. I do have several members of the city here
9 who could also address those, being the persons I previously
10 mentioned. And I apologize for getting so hoarse and dry.
11 Thank you.

12 CHAIRWOMAN SOVELL: Thank you. With that, we will
13 have the time reserved for rebuttal in the oral presentation.

14 MR. PHILLIPS: I have in my hand, and you can have it,
15 this is an Attorney General Office Opinion Number 88-28. It's
16 under the expenditure of public funds on election issues. And
17 in this official opinion, which is talking about getting into
18 election, I stumbled across this, it gives case law, Stanson v.
19 Mott, 551 P.2d at 9. In this document, it says while public
20 agency lobbying efforts undeniably involve the use of public
21 funds. So we have something here that I believe extends beyond
22 your authority because we deal with the open meeting complaints
23 here.

24 But you have a mayor of the City of Lead who signed a
25 document that was not authorized by the elected body, saying

1 that two employees, who have conflict of interest because they
2 are employees of the city and also sit on that foundation
3 board, who needed the color of the flag of the city in order to
4 promote the \$10 million request, but they were not allowed an
5 order to spend money. So how does somebody go to lobby,
6 register as a lobbyist under the color of the city and get paid
7 by a third party person?

8 Thus we know why all of this is being left out of the
9 eyes of the public in Lead. These and many other questions
10 need to be answered. The public has a right to know what its
11 elected officials are doing, the whys and the hows. John
12 Wainman does not know all the facts, because he framed, he
13 framed the response about time off. I did not ask about time
14 off. My questions that I gave to him are on that email.

15 I said, one, when did the commission authorize this?
16 Authorize what? Authorize the fact that they registered as a
17 lobbyist for the City of Lead. That's my question, and the
18 answer to my question, he said, was an email poll. We say,
19 well, John says that was only by the mayor, there was nothing
20 else. I haven't seen it. Have you seen it?

21 And I would say this. That John Wainman is not always
22 left in the loop of what the mayor and others are doing,
23 because he stated, in a material response to you, that there
24 was no authorization by him or the city commission for lobbying
25 to take place under the color of the City of Lead, and that is

1 materially false. So while he may have open candor, he is
2 being left out of the loop so that he can answer that, and so
3 we don't know. So do we know exactly what was said and
4 whatever else took place? The answer to that is no.

5 So I'm going to state this. I believe that you
6 have -- if I understand right, you have three things that you
7 can do. You can say no, you can say yes, and you can say the
8 Lawrence County State's Attorneys Office needs to do further
9 investigation into this matter and to find out exactly what is
10 going on in the City of Lead. I stand for questions.

11 CHAIRWOMAN SOVELL: Do the commissioners have any
12 questions of the complainant or respondent? Maybe what I will
13 do at this time is close the oral presentation portion, and we
14 will go into deliberation. If questions come up, we will step
15 into them. Because this again is a bifurcated referral over
16 from the State's Attorneys Office, I will open my complaint
17 back up here.

18 MR. BLAIR: This is Steve Blair. I think it's just
19 the one issue. The first issue they found no merit on.

20 CHAIRWOMAN SOVELL: So we are dealing solely with the
21 second issue that was presented and whether the email poll of
22 the commissioner was a violation of the South Dakota open
23 meeting laws is how it's coined by the State's Attorneys
24 Office. It's been expounded on by the complainant as well as
25 the city in response.

1 The state's attorney's legal conclusion on this issue
2 was that they were unable to conclude whether the City of Lead
3 Commission violated by approving the expenditures of public
4 funds outside of an official public meeting, and they went on
5 and had some additional citations there.

6 This is an interesting issue. I know, based on my
7 work with councils and commissions and other public bodies, we
8 run into these situations where there is this oh, we don't want
9 to have a meeting, we will do a quick separate email inquiry
10 out to see what we should do on this particular issue.

11 It's difficult to assess whether there is a violation
12 here where we don't have a public meeting per se. So what do
13 you think? In the email polling, we have an indication by the
14 plaintiff that was a direct result of public lobbying in the
15 city's name.

16 MR. SMITH: I'm certainly not ready to make a motion,
17 but to add to the discussion, I think I appreciate there seems
18 to be, from the complainant's perspective, there is a lot more
19 going on. If we are really just focusing down on the legal
20 issue presented by the state's attorney, was that poll a
21 violation, and I think that what they cite to is the Open
22 Meetings Commission 17-04, which is Canton City Commission,
23 some precedent that this body has created.

24 Similar facts in the sense that there was an email
25 sent out, but it appears, from my reading of this short blurb

1 anyway, that there was a response made to utilize taxpayer
2 funds. What's different here is that there is no response. So
3 was it the message being sent the violation or was it the
4 response made by the commissioners in 17-04 and the use of
5 taxpayer funds in an official action and thus the violation? I
6 think that's the crux of it for me. I don't know if I have a
7 good idea where I think this should go, but that's how I'm
8 perceiving this.

9 MS. HOFFMAN: I agree with your comments. I think the
10 other element at play when looking at that precedent that was
11 provided is whether it bound the city to spend taxpayer funds.
12 And a lot of the investigation that was done by the deputy
13 state's attorney, it left a lot of that to question.

14 So then we have the response that was provided by the
15 city to try to fill in the holes. There is a number of things
16 on page four in which the deputy state's attorney said I'm
17 referring this because I don't know, I don't have that
18 information, was there an assumed or alleged expenditure of
19 public funds for the lobbying trip.

20 MR. HOFFMAN: If I'm right here, ultimately the
21 testimony from the city was that there was no public funds used
22 for that trip. Is that what you guys got out of it as well?
23 That's what I'm seeing. I guess looking at this, if it would
24 be a violation of the open meetings law every time the entirety
25 of a public body got an email from one person, we would never

1 leave this building.

2 I can count on -- I would need more fingers and toes
3 the number of emails that our commission, with me on it, has
4 gotten from people, either public employees or people in the
5 general public, where they put everybody on an email and send
6 it out. They are usually not -- well, we don't, they are not
7 replied to, for various reasons. But I don't see an issue
8 there. I don't think you can hold a public body accountable
9 for emails sent to them by somebody else, even though everybody
10 is on that.

11 And I know this is not an issue that we are ultimately
12 looking at, but there was a motion made at an earlier meeting
13 in support of the community center. So that is there. The
14 city did decide to show support for that community center. The
15 city employees asked for time off to go and lobby in favor of
16 getting public funds from the state to be used for the
17 community center. Again, from the testimony we heard, that was
18 time off. That was not paid for by the city, they used their
19 personal time to go and do that. There was no -- the testimony
20 we have is there was no public funds given to them for that
21 trip.

22 Yes, they did lobby, they did file as lobbyists on
23 behalf of the city, but again, I go back to there was a vote by
24 the city to support the community center; so I think because of
25 that, they probably had the right to lobby on behalf of the

1 city.

2 CHAIRWOMAN SOVELL: I'm a little cautious to even go
3 there. I think that the violation that we are looking at, if
4 there was something that they were authorized to do or not to
5 do, they were city employees, it wasn't the board as a whole.
6 I'm trying to focus and keep it narrow. I know there's a lot
7 of things that are certainly concerning that are being stated
8 by the complainant, but we have to be cautious to address the
9 issue before us.

10 Do we have a violation of the open meeting laws by the
11 action taken by the city officials? And I'm leaning towards
12 no, even if there are other things that are being said that
13 cause me some pause and should cause the city officials to take
14 a closer look at what's transpiring there, I don't know that
15 all of those things are before us.

16 MR. SMITH: I agree with what Mr. Hoffman said.
17 Certainly it's not within their control as to what is sent to
18 them. I think what gives me some amount of pause as to saying
19 there isn't a violation is that -- two things. One is that
20 this was a city administrator who sent a poll rather than just
21 a citizen or someone else that is not within the workings of
22 the governmental agency.

23 Then also the response from Commissioner Carr, I
24 believe at least in the complaint, is that I believe we have
25 got here a blurb in which Commissioner Carr states, I do

1 believe we authorized her to go in support of the bill, because
2 it was dropping between meetings, we couldn't do it at a
3 meeting, but they polled us via email.

4 The testimony here today is pretty clear there were
5 statements being made under oath that there was no responses or
6 that there were no responses. So I guess the question I am
7 pondering is the respondent's attorney made the statement of
8 because there was no response, it was up to the city
9 administrator's sole decision to make that decision.

10 I'm not sure I am necessarily convinced by that. Does
11 no response in fact mean no or does no response mean it's up to
12 the city administrator? Maybe that's even also getting a
13 little further away from what we are here to decide today as
14 well. But I think I'm kind of left in a pretty gray area
15 still.

16 MR. HOFFMAN: Was there one response to that email?
17 Did somebody --

18 MR. SMITH: I believe just the mayor.

19 MR. RUSSELL: This is Lance Russell here. In the
20 unsworn statement regarding the facts, it appears that the
21 commission had authorized on January 2nd that they would
22 support the community center. I think that that has to have
23 some bearing on this. Also the fact that there was, at the end
24 of the day, no public funds appropriated. Pursuant to our
25 previous decision and the fact that there were no responses

1 other than the mayor's himself, I would tend to lean towards
2 the idea that we don't necessarily have a violation of the
3 statute.

4 MR. SMITH: Mrs. Hoffman, you stated, I believe your
5 point earlier was that I think what distinguishes what's in
6 front of us to what occurred in Canton City Commission are two
7 things. One, there was responses, but two, there was official
8 action in the sense that they spent taxpayer funds, and that
9 does appear to be missing. To your point, the deputy state's
10 attorney, when they sent this in to us to consider, was still
11 kind of left in the dark as to whether or not there had been
12 taxpayer funds expended. And I think from testimony we have
13 received here today, I'm under the impression that there were
14 not.

15 MS. HOFFMAN: Correct. That's what I was looking at,
16 is that language about binding the city to spend taxpayer
17 funds, and I don't know that that's there. Then all of the
18 evidence that's been provided I believe indicates that the two
19 employees that were sent, no funds were spent towards that.
20 There is nothing in the record to suggest that monies were paid
21 to them, mileage, lodging, the attachment that was provided; so
22 that's why I do believe it's distinguished from the case that
23 was provided.

24 MR. HOFFMAN: If we are just looking at the email,
25 what it comes down to for me is whether or not that would

1 constitute a public meeting, an official meeting, official
2 public meeting, which in the statute itself, 1-25-1, in my
3 brief read over of that here, I am not seeing what exactly
4 constitutes a public meeting.

5 However, I think there has to be some kind of
6 discussion amongst the body members. I don't think a decision
7 needs to be made in order for it to be a public meeting
8 necessarily, but I think there has to be some kind of
9 discussion. There was no real discussion in that email. It
10 was an email sent out, one person replied, they moved on from
11 there.

12 MR. SMITH: It's in the definitions.

13 MR. HOFFMAN: Okay, 1-25-12, so it is in there. So an
14 official meeting would be any meeting of a quorum of a public
15 body at which official business or public policy of that public
16 body is discussed or decided by the public body, whether in
17 person or by means of teleconference, teleconference being any
18 exchange of audio, video, or electronic medium, including the
19 Internet.

20 I think it would be fair to say that an email meets
21 that criteria, but when you go back to official meeting
22 discussion, there was really nothing discussed and nothing was
23 decided specifically by that email. Because of that, I'm going
24 to make a motion there is no violation on issue number two on
25 the complaint that's before us.

1 CHAIRWOMAN SOVELL: We have a motion. Is there any
2 further discussion on that?

3 MR. SMITH: I think that this is the correct way to --
4 this is ultimately resolving it correctly. I think it's
5 interesting because if there would have been responses, I think
6 we would have a drastically different opinion about what
7 occurred there.

8 So I think certainly a warning as to how the request
9 for the email for that poll -- it certainly is -- the intention
10 behind that email was asking for a violation of the Open
11 Meeting Commission laws found in Chapter 1-25 that we are here
12 today to address. But I think because there were not answers
13 received back from those commission members, I agree, I don't
14 think there was an actual violation that occurred.

15 CHAIRWOMAN SOVELL: And that was an official second,
16 correct?

17 MR. SMITH: I would second that, yes.

18 CHAIRWOMAN SOVELL: With that, we have a motion, we
19 have a second. I would call for a vote. All those in favor of
20 the motion pending, signify by saying "aye."

21 (Motion passed unanimously.)

22 CHAIRWOMAN SOVELL: Anyone in opposition, please
23 signify by saying "aye."

24 MR. RUSSELL: Yes.

25 CHAIRWOMAN SOVELL: Mr. Russell, you were in favor of

1 the motion, correct?

2 MR. RUSSELL: That is correct.

3 CHAIRWOMAN SOVELL: We were getting a little delay; so
4 I wanted to make sure that I was correct. Anyone opposed,
5 signify by saying "aye." Hearing none, unanimous vote to pass
6 the motion. And Mr. Blair will take the necessary steps to
7 draft the findings, and we will move on to the next agenda
8 item, which is -- we have a rolling schedule, correct?

9 MR. BLAIR: Yeah.

10 (Whereupon, the proceedings were concluded.)

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STATE OF SOUTH DAKOTA)
) ss.
COUNTY OF HUGHES)

I, Carla A. Bachand, RMR, CRR, Freelance Court Reporter for the State of South Dakota, residing in Pierre, South Dakota, do hereby certify:

That I was duly authorized to and did report the proceedings in the above-entitled cause;

I further certify that the foregoing pages of this transcript represents a true and accurate transcription of my stenotype notes.

Dated this 5th day of December 2024.

 /s/ Carla A. Bachand
Carla A. Bachand, RMR, CRR
Notary Public
My commission expires: June 10, 2030