



South Dakota
Department of
Social Services

**South Dakota Board of Addiction
and Prevention Professionals**

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South Dakota Board of Addiction and Prevention Professionals

Friday, September 26, 2025 – 9:00 AM CST

Via ZOOM

<https://us02web.zoom.us/j/81822901683?pwd=jV6X3yw1RRbl9A9RxeQamKNWtpKwvj.1>

Meeting ID: 818 2290 1683

Passcode: 859549

Proposed Meeting Agenda

- 1) Call to Order
- 2) Approval of Agenda
- 3) Open Forum: *5 minutes for the public to address the Board*
- 4) Approval of Minutes: June 13, 2025
- 5) Approval of Financial Statement: August 31, 2025
- 6) New Business
 - a. Hearing In the Matter of the Licensure of Sara Meadows
 - b. Open Meetings Law Overview (required by SDCL 1-25-13)
- 7) Executive Session (Pursuant to SDCL 1-25-2(3) for consultation with legal counsel for consideration of proposed contested cases or litigation and contract negotiations)
- 8) Old Business
 - a. Findings of Fact, Conclusions of Law and Final Order in the Matter of the Application for ACT Status of Ronnie Skjonsberg
 - b. Findings of Fact, Conclusions of Law and Final Order in the Matter of the Licensure of Jennifer Hansen, ACT
 - c. Findings of Fact, Conclusions of Law and Final Order in the Matter of Ashlee Pray, LAC
 - d. Administrative Rule Changes Timeline Update
 - e. University of South Dakota Social Work Curriculum Review
- 9) Other Business
 - a. Office Update
 - a. Renewal opens on October 1st
 - b. Application Primer – Supervisors and Tracking Forms

b. DSS Update

10) Announcements

a. Next Board Meeting: December 12, 2025 at 9:00 am (CT)

11) Adjourn

**South Dakota Board of Addiction and Prevention Professionals
Via Videoconference
June 13, 2025**

President Kristi Jacobsma called the meeting to order at 9:06 a.m. central and determined a quorum.

Board Members Present: Belinda Grave, Jodi Hepperle, Kristi Jacobsma, Kari Johnston, Kari Joldersma, Tiffany Kashas, Kelsey Smith, Kari Termansen, and Jennifer Tinguely

Board Members Absent: None.

Others Present: Jennifer Stalley, Executive Secretary; Natalie Young, Administrative Assistant; Court Roper, Board Legal Counsel, Department of Social Services; Erin Handke, Assistant Attorney General; Tracy Mercer, Department of Social Services; Ronnie Skjonsberg, ACT Applicant; Angie Peck, Member of the Public; and Kelsey Hansen, Member of the Public.

Jacobsma introduced new Board Members Belinda Grave and Kari Joldersma.

Motion to approve the proposed agenda by Tinguely. Seconded by Smith. **Motion carried.**

Jacobsma asked for comments from the public. There were no comments offered.

Motion to approve the meeting minutes of April 28, 2025 by Termansen. Seconded by Kashas. **Motion carried.**

Motion to accept the May 31, 2025 financial report as presented by Kashas. Seconded by Tinguely. **Motion carried.**

Jacobsma noted the time and place for the hearing In the Matter of the Application for ACT Status of Ronnie Skjonsberg. Skjonsberg appeared on his own behalf.

Jacobsma noted the time and place for the hearing In the Matter of the Licensure of Jennifer Hansen, ACT. Hansen did not appear.

Jacobsma noted the time and place for the hearing In the Matter of Ashlee Pray, LAC. Pray did not appear.

Motion to go into executive session for consultation with legal counsel for consideration of proposed contested cases for litigation at 10:00 a.m. by Smith. Seconded by Johnston. **Motion carried.**

Jacobsma declared the Board out of executive session at 11:11 a.m.

Motion to revoke the LAC licensure of Ashlee Pray by Johnston. Seconded by Grave. **Motion carried.**

Motion to revoke the ACT trainee status of Jennifer Hansen by Jacobsma. Seconded by Smith. **Motion carried.** Kashas recused.

Motion to consolidate Complaints 2025-04 and Complaint 2025-06 and move to a hearing by Termansen. Seconded by Tinguely. **Motion carried.**

Motion to provisionally approve the ACT Application of Ronnie Skjonsberg with certain conditions by Johnston. Seconded by Termansen. **Motion carried.**

Stalley provided the Board with an update on the administrative rules process. Based on conversations with stakeholders and on identifying other rules that may be impacted in other areas, Stalley advised the Board proposed changes to the administrative rules may not be made until Spring 2026. Stalley relayed that conversations with stakeholders were positive and helped identify other rule changes that may be needed.

Stalley informed the Board the updated NAADAC Code of Ethics were available on the Board's website and are in effect.

The Board discussed the University of South Dakota Social Work Program curriculum. A Board workgroup will be asked to review the courses.

Stalley provided an office update. Stalley reminded the Board that 2025 is a renewal year. The office will notify licensees of continuing education requirements for renewing licenses when renewal opens in October 2025. Stalley thanked Mercer for her work to finalize the new Board appointments.

Mercer provided an update from the Department of Social Services.

The Board's next meeting date is September 26, 2025 at 9:00 a.m. CT via zoom.

Motion to adjourn by Kashas. Seconded by Johnston. **Motion carried.**

The Board adjourned at 11:36 a.m.

Respectfully Submitted,

Jodi Hepperle, Secretary

**BOARD OF ADDICTION AND PREVENTION PROFESSIONALS
CASH CENTER BALANCE
FOR MONTH ENDING 08-31-25**

		BDGT GRANT		FUND SUB	FISCAL FISCAL	CASH
COMP	ACCOUNT	YEAR	YEAR	CENTER SRC	FUND YEAR	MONTH BALANCE
6503	1140000			0894000	721	2026 02 \$ 27,171.87
						\$ 27,171.87

**BOARD OF ADDICTION AND PREVENTION PROFESSIONALS
REVENUE SUMMARY
FOR MONTH ENDING 08-31-25**

COMP	ACCOUNT	BDGT YEAR	GRANT YEAR	CENTER	FUND SRC	SUB FUND	FISCAL YEAR	FISCAL MONTH	YTD AMOUNT	MTD AMOUNT
6503	4293020	0	0	0894000	721		2026	02	\$ (48.28)	\$ (25.53)
6503	4293110	0	0	0894000	721		2026	02	\$ 1,050.00	\$ 500.00
6503	4293130	0	0	0894000	721		2026	02	\$ 1,700.00	\$ 900.00
6503	4293135	0	0	0894000	721		2026	02	\$ 2,100.00	\$ 1,000.00
6503	4293310	0	0	0894000	721		2026	02	\$ 150.00	\$ 150.00
6503	4293320	0	0	0894000	721		2026	02	\$ 600.00	\$ 600.00
6503	4293350	5	0	0894000	721		2026	02	\$ 700.00	\$ 700.00
6503	4293510	0	0	0894000	721		2026	02	\$ 250.00	\$ 50.00
6503	4293520	0	0	0894000	721		2026	02	\$ 1,000.00	\$ 200.00
6503	4293522	0	0	0894000	721		2026	02	\$ 150.00	\$ -
6503	4920045			0894000	721		2026	02	\$ 4,320.94	\$ 4,320.94
									\$ 11,972.66	\$ 8,395.41

**BOARD OF ADDICTION AND PREVENTION PROFESSIONALS
REVENUE DETAIL
FOR MONTH ENDING 08-31-25**

		BDGT	GRANT	FUND		FISCAL		FISCAL		FISCAL		SOURCE			
COMP	ACCOUNT	YEAR	YEAR	CENTER	SRC	MONTH	DAY	YEAR	CODE	DESCRIPTION		AMOUNT			
6503	4293130	0	0	0894000	721	02	06	2026	C08600023: BAPP ACH DEPOSIT	C		\$		(100.00)	
6503	4293130	0	0	0894000	721	02	06	2026	C08600023: BAPP ACH DEPOSIT	C		\$		100.00	
6503	4293130	0	0	0894000	721	02	06	2026	C08600023: BAPP ACH DEPOSIT	C		\$		100.00	
6503	4293020	0	0	0894000	721	02	04	2026	D086BF001 BAPP BANK FEES	C		\$		(25.53)	
6503	4293020	0	0	0894000	721	02	04	2026	D086BF001 BAPP BANK FEES	C		\$		(25.53)	
6503	4293020	0	0	0894000	721	02	04	2026	D086BF001 BAPP BANK FEES	C		\$		25.53	
6503	4293110	0	0	0894000	721	02	07	2026	C08600027: BAPP CHK DEP 8/6	C		\$		(300.00)	
6503	4293110	0	0	0894000	721	02	07	2026	C08600027: BAPP CHK DEP 8/6	C		\$		300.00	
6503	4293110	0	0	0894000	721	02	07	2026	C08600027: BAPP CHK DEP 8/6	C		\$		300.00	
6503	4293135	0	0	0894000	721	02	07	2026	C08600027: BAPP CHK DEP 8/6	C		\$		700.00	
6503	4293350	5	0	0894000	721	02	07	2026	C08600027: BAPP CHK DEP 8/6	C		\$		350.00	
6503	4293510	0	0	0894000	721	02	07	2026	C08600027: BAPP CHK DEP 8/6	C		\$		50.00	
6503	4293520	0	0	0894000	721	02	07	2026	C08600027: BAPP CHK DEP 8/6	C		\$		200.00	
6503	4293130	0	0	0894000	721	02	04	2026	C08600028: BAPP ACH DEPOSIT	C		\$		(200.00)	
6503	4293130	0	0	0894000	721	02	04	2026	C08600028: BAPP ACH DEPOSIT	C		\$		200.00	
6503	4293130	0	0	0894000	721	02	04	2026	C08600028: BAPP ACH DEPOSIT	C		\$		200.00	
6503	4293130	0	0	0894000	721	02	06	2026	C08600028: BAPP ACH DEPOSIT	C		\$		(100.00)	
6503	4293130	0	0	0894000	721	02	06	2026	C08600028: BAPP ACH DEPOSIT	C		\$		100.00	
6503	4293130	0	0	0894000	721	02	06	2026	C08600028: BAPP ACH DEPOSIT	C		\$		100.00	
6503	4293110	0	0	0894000	721	02	21	2026	C08600034: BAPP CHECK DEPOSIT 8/20	C		\$		(50.00)	
6503	4293110	0	0	0894000	721	02	21	2026	C08600034: BAPP CHECK DEPOSIT 8/20	C		\$		50.00	
6503	4293110	0	0	0894000	721	02	21	2026	C08600034: BAPP CHECK DEPOSIT 8/20	C		\$		50.00	
6503	4293135	0	0	0894000	721	02	21	2026	C08600034: BAPP CHECK DEPOSIT 8/20	C		\$		100.00	
6503	4293135	0	0	0894000	721	02	27	2026	M08260042 C			\$		(100.00)	
6503	4293320	0	0	0894000	721	02	21	2026	C08600034: BAPP CHECK DEPOSIT 8/20	C		\$		50.00	
6503	4293320	0	0	0894000	721	02	21	2026	C08600034: BAPP CHECK DEPOSIT 8/20	C		\$		200.00	
6503	4293350	5	0	0894000	721	02	21	2026	C08600034: BAPP CHECK DEPOSIT 8/20	C		\$		350.00	
6503	4293110	0	0	0894000	721	02	28	2026	C08600039: BAPP CHECK DEPOSIT 8/27	C		\$		(150.00)	
6503	4293110	0	0	0894000	721	02	28	2026	C08600039: BAPP CHECK DEPOSIT 8/27	C		\$		150.00	
6503	4293110	0	0	0894000	721	02	28	2026	C08600039: BAPP CHECK DEPOSIT 8/27	C		\$		150.00	
6503	4293130	0	0	0894000	721	02	11	2026	C08600038: BAPP ACH DEPOSIT	C		\$		(200.00)	
6503	4293130	0	0	0894000	721	02	11	2026	C08600038: BAPP ACH DEPOSIT	C		\$		200.00	
6503	4293130	0	0	0894000	721	02	11	2026	C08600038: BAPP ACH DEPOSIT	C		\$		200.00	
6503	4293130	0	0	0894000	721	02	18	2026	C08600038: BAPP ACH DEPOSIT	C		\$		(100.00)	
6503	4293130	0	0	0894000	721	02	18	2026	C08600038: BAPP ACH DEPOSIT	C		\$		100.00	
6503	4293130	0	0	0894000	721	02	18	2026	C08600038: BAPP ACH DEPOSIT	C		\$		100.00	
6503	4293130	0	0	0894000	721	02	20	2026	C08600039: BAPP ACH DEPOSIT	C		\$		(200.00)	
6503	4293130	0	0	0894000	721	02	20	2026	C08600039: BAPP ACH DEPOSIT	C		\$		200.00	
6503	4293130	0	0	0894000	721	02	20	2026	C08600039: BAPP ACH DEPOSIT	C		\$		200.00	
6503	4293135	0	0	0894000	721	02	28	2026	C08600039: BAPP CHECK DEPOSIT 8/27	C		\$		300.00	
6503	4293310	0	0	0894000	721	02	28	2026	C08600039: BAPP CHECK DEPOSIT 8/27	C		\$		100.00	
6503	4293320	0	0	0894000	721	02	28	2026	C08600039: BAPP CHECK DEPOSIT 8/27	C		\$		400.00	
6503	4920045			0894000	721	02	01	2026	IP25122 ANNUAL INTEREST PRORATION	C		\$		4,320.94	
												\$		8,395.41	

**BOARD OF ADDICTION AND PREVENTION PROFESSIONALS
EXPENDITURE SUMMARY REPORT
FOR MONTH ENDING 08-31-25**

COMP	ACCOUNT	BDGT YEAR	GRANT YEAR	ACCOUNT DESCRIPTION	CENTER	FUND SRC	SUB FUND	FISCAL YEAR	FISCAL MONTH	YTD AMOUNT	MTD AMOUNT
6503	5101030	0	0	BOARD & COMM MBRS FEES	0894000	721		2026	02	\$ 1,494.00	\$ 332.00
6503	5102010	0	0	OASI-EMPLOYER'S SHARE	0894000	721		2026	02	\$ 114.36	\$ 25.40
6503	5204090	0	0	MANAGEMENT CONSULTANT	0894000	721		2026	02	\$ 20,563.18	\$ 20,563.18
6503	5204130	0	0	OTHER CONSULTING	0894000	721		2026	02	\$ -	\$ -
6503	5204201	0	0	BFM CENTRAL SERVICES	0894000	721		2026	02	\$ 909.63	\$ -
6503	5204204	0	0	RECORDS MGMT SERVICES	0894000	721		2026	02	\$ 100.50	\$ -
6503	5204207	0	0	HUMAN RESOURCES SERVICES	0894000	721		2026	02	\$ 210.02	\$ 210.02
6503	5204960	0	0	OTHER CONTRACTUAL SERVICE	0894000	721		2026	02	\$ 3,135.00	\$ 525.00
6503	5205020	0	0	OFFICE SUPPLIES	0894000	721		2026	02	\$ 53.64	\$ -
6503	5205350	0	0	POSTAGE	0894000	721		2026	02	\$ 175.43	\$ 70.27
										\$ 26,755.76	\$ 21,725.87

BOARD OF ADDICTION AND PREVENTION PROFESSIONALS
EXPENDITURE DETAIL REPORT
FOR MONTH ENDING 08-31-25

		BDGT GRANT		FUND SUB		FISCAL FISCAL		FISCAL SOURCE		VENDOR NUMBER/		CHECK	VENDOR		
COMP	ACCOUNT	YEAR	YEAR	CENTER	SRC	FUND	MONTH	DAY	YEAR	CODE	INVOICE NUMBER	NUMBER	NAME	AMOUNT	
6503	5101030	0	0	0894000	721		02	01	2026	CGEX250728	C			\$ 166.00	
6503	5102010	0	0	0894000	721		02	01	2026	CGEX250728	C			\$ 12.70	
6503	5204090	0	0	0894000	721		02	06	2026	131364	1219990226SC081011-JUL	0M	00100982402	MIDWESTSOL	\$ 10,207.98
6503	5204090	0	0	0894000	721		02	06	2026	131364	1219990226SC081011-JUL	0M	00100982402	MIDWESTSOL	\$ 175.73
6503	5204090	0	0	0894000	721		02	06	2026	131364	1219990226SC081011-JUL	0M	00100982402	MIDWESTSOL	\$ (175.73)
6503	5204960	0	0	0894000	721		02	07	2026	130443	12734554984	0M	00100982683	UPNORTHREC	\$ 25.00
6503	5204960	0	0	0894000	721		02	07	2026	130444	1201997810465	0M	00100981919	ICRCAODAIN	\$ 500.00
6503	5204090	0	0	0894000	721		02	08	2026	131178	1219990226SC081011-JUN	0M	00100982402	MIDWESTSOL	\$ 10,355.20
6503	5101030	0	0	0894000	721		02	15	2026	CGEX250813	C			\$ 166.00	
6503	5102010	0	0	0894000	721		02	15	2026	CGEX250813	C			\$ 12.70	
6503	5205350	0	0	0894000	721		02	15	2026	MS607034	CENTRAL MAIL SERVICES	C	0894	\$ 70.27	
6503	5204207	0	0	0894000	721		02	22	2026	PL607042	HUMAN RESOURCE SERVICES B		0894	\$ 210.02	
														\$ 21,725.87	

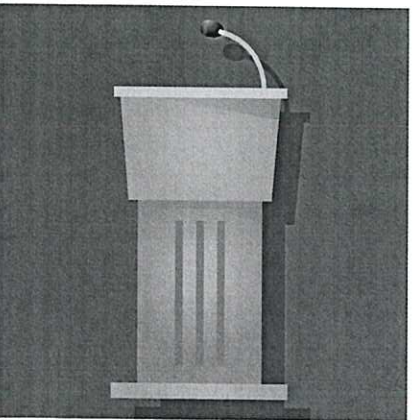
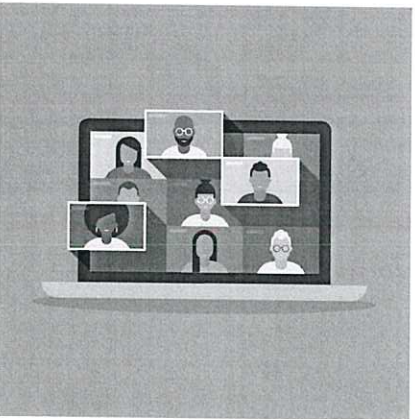
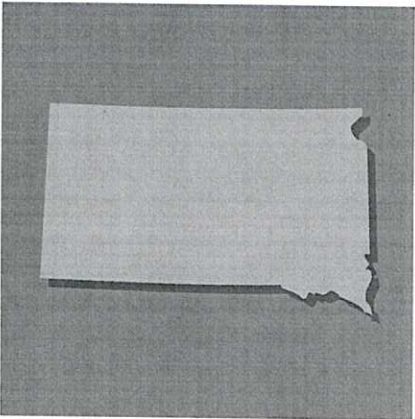
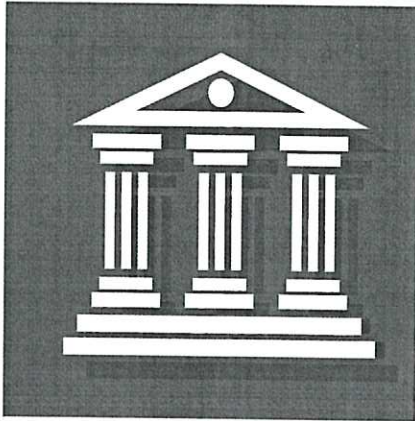
\$2,038.64 in July expenses paid and posted to cash in August.

Available Funds Report

	Budget	Commitment	Encumbrance	MTD Amount	YTD Amount	Remaining Budget	Percent Remaining
5101 - Salaries	12,289.00	0.00	0.00	332.00	1,494.00	10,795.00	87.84%
5102 - Benefits	3,358.00	0.00	0.00	25.40	114.36	3,243.64	96.59%
Total PS	15,647.00	0.00	0.00	357.40	1,608.36	14,038.64	89.72%
5203 - Travel	6,651.00	0.00	0.00	0.00	0.00	6,651.00	100.00%
5204 - Contractual	165,774.00	0.00	113,263.82	21,298.20	24,918.33	27,591.85	16.64%
5205 - Supplies	4,305.00	0.00	0.00	70.27	229.07	4,075.93	94.68%
5206 - Grants	0.00	0.00	0.00	0.00	0.00	0.00	/0
5207 - Capital Outlay	175.00	0.00	0.00	0.00	0.00	175.00	100.00%
5208 - Other	0.00	0.00	0.00	0.00	0.00	0.00	/0
5228 - Transfers	0.00	0.00	0.00	0.00	0.00	0.00	/0
Total OE	176,905.00	0.00	113,263.82	21,368.47	25,147.40	38,493.78	21.76%
Total PS & OE	192,552.00	0.00	113,263.82	21,725.87	26,755.76	52,532.42	27.28%

BOARD OF ADDICTION AND PREVENTION PROFESSIONALS
 CONTRACTS
 FOR MONTH ENDING 08-31-25

<u>VENDOR NAME</u>	<u>VENDOR NUM</u>	<u>CONTRACT NUM</u>	<u>DOCUMENT</u>	<u>DOC LINE</u>	<u>AMO</u>	<u>MATCHING LINE</u>	<u>CALC PERMIT TO PAY</u>
MIDWEST SOLUTIONS INC	12199902	26-0800-079	26SC081011		\$126,327.00	\$20,563.18	\$105,763.82
ALBERTSON CONSULTING INC	12301068	26-0800-119	26SC081022		\$7,500.00	\$0.00	\$7,500.00
					\$133,827.00	\$20,563.18	\$113,263.82



Conducting the Public's Business in Public

A guide to South Dakota's
Open Meetings Laws
(Revised 2025)

Prepared by:
S.D. Attorney General's Office
in partnership with the
S.D. NewsMedia Association

Published by:
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1125 32nd Ave. Brookings, SD 57006

Q: WHAT ARE SOUTH DAKOTA'S OPEN MEETINGS LAWS?

A: South Dakota's open meetings laws embody the principle that the public is entitled to the greatest possible information about public affairs and are intended to encourage public participation in government. SDCL Ch. 1-25 requires that official meetings of public bodies must be public and advance notice is to be given of such meetings. The statutes define an "official meeting" as one where a quorum of the public body is present and at which official business or public policy of the body is discussed or decided. Openness in government is encouraged.

Q: WHO DOES THE OPEN MEETINGS LAWS APPLY TO?

A: The open meetings laws apply to all public bodies of the state and its political subdivisions. SDCL 1-25-1, 1-25-12(3). This includes cities, counties, school boards and other public bodies created by ordinance or resolution, such as appointed boards, task forces, and committees, so long as they have authority to exercise sovereign power. SDCL 1-25-12(2). Although no court decisions have been issued on the subject, this probably does not include bodies that serve only in an advisory capacity. The State Constitution allows the Legislature and the Unified Judicial System to create rules regarding their own separate functions.

Q: ARE TELECONFERENCES CONSIDERED PUBLIC MEETINGS?

A: Yes. The open meetings laws allow meetings, including executive or closed meetings, to be conducted by teleconference – defined as an exchange of information by audio, video, or electronic means (including the internet) – if a place is provided for the public to participate. SDCL 1-25-1.5, 1-25-12(5). In addition, for teleconferences where

less than a quorum of the public body is present at the location open to the public, arrangements must also be made for the public to listen by telephone or internet (except for portions of meetings properly closed for executive sessions). SDCL 1-25-1.6. The media and public must be notified of teleconference meetings under the same notice requirements as any other meeting.

Q: HOW ARE THE PUBLIC AND MEDIA NOTIFIED WHEN PUBLIC BUSINESS IS BEING DISCUSSED?

A: SDCL 1-25-1.1 requires that all political subdivisions (except the state and its boards, commissions, or departments as provided in § 1-25-1.3) prominently post a notice and copy of the proposed agenda at the political subdivision's principal office. At a minimum, the proposed agenda must include the date, time, and location of the meeting and must be visible, readable, and accessible to the public for 24 continuous hours immediately preceding the meeting. Also, if the political subdivision has its own website, the notice must be posted on the website upon dissemination of the notice. For special or rescheduled meetings, political subdivisions must comply with the regular meeting notice requirements as much as circumstances permit. The notice must be delivered in person, by mail, by email, or by telephone to all local news media who have asked to be notified. It is good practice for local media to renew requests for notification of special or rescheduled meetings at least annually.

SDCL 1-25-1.3 varies slightly from SDCL 1-25-1.1 and requires the State and its agencies, boards, commissions, or departments to give notice by posting a proposed agenda at least 72 continuous hours before a meeting is scheduled to start (this does not include any weekend or legal holiday). The State is also required to give notice of a public meeting by posting its proposed agenda on <http://boardsandcommissions.sd.gov>.

Q: WHO ARE LOCAL NEWS MEDIA?

A: There is no definition of "local news media" in SDCL ch. 1-25. "News media" is defined in SDCL 13-1-57 generally as those personnel of a newspaper, periodical, news service, radio station, or television station regardless of the medium through which their content is delivered. The Attorney General is of the opinion that "local news media" is all news media – broadcast and print – that regularly carry news to the community.

Q: IS A PUBLIC COMMENT PERIOD REQUIRED AT PUBLIC MEETINGS?

A: Yes. Public bodies are required to provide at every official meeting a period of time on their agenda for public comment. SDCL 1-25-1. Each public body has the discretion to limit public comment as to the time allowed for each topic commented on, and as to the total time allowed for public comment. Public comment is not required at meetings held solely for an executive session, inauguration, presentation of an annual report, or swearing in of elected officials.

Q: CAN PUBLIC MEETINGS BE RECORDED?

A: Yes, SDCL 1-25-11 requires public bodies to allow recording (audio or video) of their meetings if the recording is reasonable, obvious, and not disruptive. This requirement does not apply to those portions of a meeting confidential or closed to the public.

Q: WHEN CAN A MEETING BE CLOSED TO THE PUBLIC AND MEDIA?

A: SDCL 1-25-2 allows a public body to close a meeting for the following purposes: 1) to discuss personnel issues pertaining to officers or employees; 2) consideration of the performance or discipline of a student, or the student's participation in interscholastic activities; 3) consulting with legal counsel, or reviewing communications from legal counsel about proposed or pending litigation or

contractual matters; 4) employee contract negotiations; 5) to discuss marketing or pricing strategies of a publicly-owned competitive business; or 6) to discuss information related to the protection of public or private property such as emergency management response plans or other public safety information. The statute also recognizes that executive session may be appropriate to comport with other laws that require confidentiality or permit executive or closed meetings. Federal law pertaining to students and medical records will also cause school districts and other entities to conduct executive sessions or conduct meetings to refrain from releasing confidential information. Meetings may also be closed by cities and counties for certain economic development matters. SDCL 9-34-19.

Note that SDCL 1-25-2 and SDCL 9-34-19 do not require meetings be closed in any of these circumstances.

Any official action based on discussions in executive session must, however, be made at an open meeting.

Q: WHAT IS THE PROPER PROCEDURE FOR EXECUTIVE SESSIONS?

A: Motions for executive sessions must refer to the specific state or federal law allowing for the executive session i.e. "pursuant to SDCL 1-25-2(3)." Also, best practice to avoid public confusion would be that public bodies explain the reason for going into executive session. For example, the motion might state "motion to go into executive session pursuant to SDCL 1-25-2(1) for the purposes of discussing a personnel matter," or "motion to go into executive session pursuant to SDCL 1-25-2(3) for the purposes of consulting with legal counsel."

Discussion in the executive session must be strictly limited to the announced subject. No official votes may be taken on any matter during an executive session. The public body must return to open session before any official action can be taken.

Q: WHAT HAPPENS IF THE MEDIA OR PUBLIC IS IMPROPERLY EXCLUDED FROM A MEETING OR OTHER VIOLATIONS OF THE OPEN MEETING LAWS OCCUR?

A: Excluding the media or public from a meeting that has not been properly closed subjects the public body or the members involved to: (a) prosecution as a Class 2 misdemeanor punishable by a maximum sentence of 30 days in jail, a \$500 fine or both; or (b) a reprimand by the Open Meeting Commission ("OMC"). The same penalties apply if the agenda for the meeting is not properly posted, or other open meeting violations occur.

Also, action taken during any meeting that is not open or has not been properly noticed could, if challenged, be declared null and void.

Q: HOW ARE ISSUES REFERRED TO THE OPEN MEETINGS COMMISSION ("OMC")?

A: Persons alleging violations of the open meetings laws must make their complaints with law enforcement officials in the county where the offense occurred. After a signed and notarized complaint is made under oath, and any necessary investigation is conducted, the State's Attorney may: (a) prosecute the case as a misdemeanor; (b) find that the matter has no merits and file a report with the Attorney General for statistical purposes; or (c) forward the complaint to the OMC for a determination. The OMC is comprised of five State's Attorneys or Deputy State's Attorneys appointed by the Attorney General. The OMC examines whether a violation has occurred and makes written public findings explaining its reasons. If you have questions on the procedures or status of a pending case, you may contact the Attorney General's Office at 605-773-3215 to talk to an assistant for the OMC. Procedures for the OMC are posted on the website for the Office of Attorney General. <http://atg.sd.gov/>.

Q: WHAT DOES THE TERM "SOVEREIGN POWER" MEAN?

A: The open meetings laws do not define this term, but it generally means the power to levy taxes, impose penalties, make special assessments, create ordinances, abate nuisances, regulate the conduct of others, or perform other traditional government functions. The term may include the exercise of many other governmental functions. If an entity is unclear whether it is exercising "sovereign power" it should consult with legal counsel.

Q: MAY AGENDA ITEMS BE CONSIDERED IF THEY ARE ADDED LESS THAN 24 HOURS BEFORE A MEETING?

A: Proposed agendas for public meetings must be posted at least 24 hours in advance of the meeting. The purpose of providing advance notice of the topics to be discussed at a meeting is to provide information to interested members of the public concerning the governing body's anticipated business. Typically, the public body adopts the final agenda upon convening the meeting. At the time the final agenda is adopted, the governing body may add or delete agenda items and may also change the order of business. See *In re Yankton County Commission, Open Meetings Commission Decision # 20-03*, December 31, 2020. New items cannot be added after the agenda has been adopted by the governing body.

Public bodies are strongly encouraged to provide at least 24 hours' notice of all agenda items so as to be fair to the public and to avoid dispute.

For special or rescheduled meetings, public bodies are to comply to the extent circumstances permit. In other words, posting less than 24 hours in advance may be permissible in emergencies.

Q: ARE EMAIL DISCUSSIONS "MEETINGS" FOR PURPOSES OF THE OPEN MEETINGS LAWS?

A: The definition of an "official meeting" in SDCL 1-25-12(1) specifically includes meetings conducted by "electronic means, including electronic mail, instant messaging, social media, text message, or virtual meeting platform[.]" A quorum of a public body that discusses official business of that body via electronic means is conducting an official meeting for purposes of the open meetings laws. Electronic communications made solely for scheduling purposes do not fall within the definition of an official meeting.

Q: WHAT RECORDS MUST BE AVAILABLE TO THE PUBLIC IN CONJUNCTION WITH PUBLIC MEETINGS?

A: SDCL 1-25-1.4 requires state boards, commissions, or departments to make public meeting materials available on <http://boardsandcommissions.sd.gov>. SDCL 1-27-1.16 requires that any other public body must post meeting materials on the public body's website or make those materials available to the public at least twenty-four hours prior to the hearing or when made available to the members of the public body, whichever is later. Finally, SDCL 1-27-1.17 requires that draft minutes of public meetings must be made available to the public at the principal place of business for the public body within 10 business days after the meeting (or made available on the website for the public body within five business days).

These laws are in addition to any specific requirements for public bodies (i.e., publication requirements in state laws pertaining to cities, counties, or school districts). Enforcement of public records laws contained in SDCL Ch. 1-27 are handled by separate procedures found in SDCL 1-27-35, et. seq. rather than the open meeting procedures described above. Violations of SDCL 1-27-1.16 and 1-27-1.17 are also Class 2 misdemeanors.

Q: WHAT REQUIREMENTS APPLY TO TASK FORCES, COMMITTEES AND WORKING GROUPS?

A: Task forces and committees that exercise "sovereign power," and are created by statute, ordinance, or proclamation are required to comply with the open meetings laws. SDCL 1-25-12(1). Task forces, committees, and working groups that are not created by statute, ordinance, or proclamation, or are advisory only, may not be subject to the open meetings laws, but are encouraged to comply to the extent possible when public matters are discussed. Ultimately, if such advisory task forces, committees and working groups present any reports or recommendations to public bodies, the public bodies must wait until the next meeting (or later) before taking final action on the recommendations. SDCL 1-27-1.18.

Q: ARE PUBLIC BODIES REQUIRED TO REVIEW THE OPEN MEETINGS LAWS?

A: Public bodies must annually review an explanation of the open meetings laws provided by the Attorney General, along with any other material pertaining to the open meetings laws made available by the Attorney General. SDCL 1-25-13. Each public body must report in its minutes that the annual review of the open meetings laws was completed.

PERTINENT S.D. OPEN MEETINGS STATUTES
(other specific provisions may apply depending on the public body involved)

1-25-1. OPEN MEETINGS. An official meeting of a public body is open to the public unless a specific law is cited by the public body to close the official meeting to the public.

It is not an official meeting of one public body if its members provide information or attend the official meeting of another public body for which the notice requirements of § 1-25-1.1 or 1-25-1.3 have been met. It is not an official meeting of a public body if its members attend a press conference called by a representative of the public body.

For any event hosted by a nongovernmental entity to which a quorum of the public body is invited and public policy may be discussed, but the public body does not control the agenda, the public body may post a public notice of a quorum, in lieu of an agenda. The notice of a quorum must meet the posting requirements of § 1-25-1.1 or 1-25-1.3 and must contain, at a minimum, the date, time, and location of the event.

The public body shall reserve at every official meeting a period for public comment, limited at the public body's discretion as to the time allowed for each topic and the total time allowed for public comment, but not so limited as to provide for no public comment.

Public comment is not required at an official meeting held solely for the purpose of meeting in executive session, an inauguration, presentation of an annual report to the public body, or swearing in of a newly elected official, regardless of whether the activity takes place at the time and place usually reserved for an official meeting.

If a quorum of township supervisors, road district trustees, or trustees for a municipality of the third class meets solely for purposes of implementing previously publicly adopted policy; carrying out ministerial functions of that township, district, or municipality; or undertaking a factual investigation of conditions related to public safety; the meeting is not subject to the provisions of this chapter.

A violation of this section is a Class 2 misdemeanor.

1-25-1.1. PUBLIC NOTICE OF POLITICAL SUBDIVISIONS. Each 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. For any special or rescheduled meeting, the information in the notice shall be delivered in person, by mail, by email, or by

telephone, to members of the local news media who have requested notice. For any special or rescheduled meeting, each political subdivision shall also comply with the public notice provisions of this section for a regular meeting to the extent that circumstances permit. A violation of this section is a Class 2 misdemeanor.

1-25-1.3. PUBLIC NOTICE OF STATE. The state shall provide public notice of a meeting by posting a copy of the proposed agenda at the principal office of the board, commission, or department holding the meeting. The proposed agenda shall include the date, time, and location of the meeting, and be visible, readable, and accessible to the public. The agenda shall be posted at least seventy-two hours before the meeting is scheduled to start according to the agenda. The seventy-two hours does not include Saturday, Sunday, or legal holidays. The notice shall also be posted on a state website, designated by the commissioner of the Bureau of Finance and Management. For any special or rescheduled meeting, the information in the notice shall be delivered in person, by mail, by email, or by telephone, to members of the local news media who have requested notice. For any special or rescheduled meeting, the state shall also comply with the public notice provisions of this section for a regular meeting to the extent that circumstances permit. A violation of this section is a Class 2 misdemeanor.

1-25-1.5. TELECONFERENCE MEETING. Any official meeting may be conducted by teleconference. A teleconference may be used to conduct a hearing or take final disposition regarding an administrative rule pursuant to § 1-26-4. A member is deemed present if the member answers present to the roll call conducted by teleconference for the purpose of determining a quorum. Each vote at an official meeting held by teleconference may be taken by voice vote. If any member votes in the negative, the vote shall proceed to a roll call vote.

1-25-1.6. TELECONFERENCE PARTICIPATION. At any official meeting conducted by teleconference, there shall be provided one or more places at which the public may listen to and participate in the teleconference meeting. For any official meeting held by teleconference, that has less than a quorum of the members of the public body participating in the meeting who are present at the location open to the public, arrangements shall be provided for the public to listen to the meeting via telephone or internet. The requirement to provide one or more places for the public to listen to the teleconference does not apply to official meetings closed to the public pursuant to specific law.

1-25-2. EXECUTIVE SESSION. Executive or closed meetings may be held for the sole purposes of:

(1) Discussing the qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee. The term, employee, does not include any independent contractor;

(2) Discussing the expulsion, suspension, discipline, assignment of or the educational program of a student or the eligibility of a student to participate in interscholastic activities provided by the South Dakota High School Activities Association;

(3) Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters;

(4) Preparing for contract negotiations or negotiating with employees or employee representatives;

(5) Discussing marketing or pricing strategies by a board or commission of a business owned by the state or any of its political subdivisions, when public discussion may be harmful to the competitive position of the business; or

(6) Discussing information pertaining to the protection of public or private property and any person on or within public or private property specific to:

(a) Any vulnerability assessment or response plan intended to prevent or mitigate criminal acts;

(b) Emergency management or response;

(c) Public safety information that would create a substantial likelihood of endangering public safety or property, if disclosed;

(d) Cyber security plans, computer, communications network schema, passwords, or user identification names;

(e) Guard schedules;

(f) Lock combinations;

(g) Any blueprint, building plan, or infrastructure record regarding any building or facility that would expose or create vulnerability through disclosure of the location, configuration, or security of critical systems of the building or facility; and

(h) Any emergency or disaster response plans or protocols, safety or security audits or reviews, or lists of emergency or disaster response personnel or material; any location or listing of weapons or ammunition; nuclear, chemical, or biological agents; or other military or law enforcement equipment or personnel.

However, any official action concerning the matters pursuant to this section shall be made at an open official meeting. An executive or closed meeting must be held only upon a majority vote of the members of the public body present and voting, and discussion during the closed meeting

is restricted to the purpose specified in the closure motion. Nothing in § 1-25-1 or this section prevents an executive or closed meeting if the federal or state Constitution or the federal or state statutes require or permit it. A violation of this section is a class 2 misdemeanor.

1-25-6. DUTY OF STATE'S ATTORNEY. If a complaint alleging a violation of chapter 1-25 is made pursuant to § 23A-2-1, the state's attorney shall take one of the following actions:

(1) Prosecute the case pursuant to Title 23A;

(2) Determine that there is no merit to prosecuting the case. Upon doing so, the state's attorney shall send a copy of the complaint and any investigation file to the attorney general. The attorney general shall use the information for statistical purposes and may publish abstracts of such information, including the name of the government body involved for purposes of public education; or

(3) Send the complaint and any investigation file to the South Dakota Open Meetings Commission for further action.

1-25-6.1. DUTY OF STATE'S ATTORNEY (COUNTY COMMISSION ISSUES). If a complaint alleges a violation of this chapter by a board of county commissioners, the state's attorney shall take one of the following actions:

(1) Prosecute the case pursuant to Title 23A;

(2) Determine that there is no merit to prosecuting the case. The attorney general shall use the information for statistical purposes and may publish abstracts of the information as provided by § 1-25-6;

(3) Send the complaint and any investigation file to the South Dakota Open Meetings Commission for further action; or

(4) Refer the complaint to another state's attorney or to the attorney general for action pursuant to § 1-25-6.

1-25-7. REFERRAL TO OMC. Upon receiving a referral from a state's attorney or the attorney general, the South Dakota Open Meetings Commission shall examine the complaint and investigatory file submitted by the state's attorney or the attorney general and shall also consider signed written submissions by the persons or entities that are directly involved. Based on the investigatory file submitted by the state's attorney or the attorney general and any written responses, the commission shall issue a written determination on whether the conduct violates this chapter, including a statement of the reasons therefor and findings of fact on each issue and conclusions of law necessary for the proposed decision. The final decision shall be made by a majority of the commission members, with each member's vote set forth in the written decision. The final decision shall be filed with the attorney general and shall be provided to the public entity and or public officer involved, the state's attorney,

and any person that has made a written request for such determinations. If the commission finds a violation of this chapter, the commission shall issue a public reprimand to the offending official or governmental entity. However, no violation found by the commission may be subsequently prosecuted by the state's attorney or the attorney general. All findings and public censures of the commission shall be public records pursuant to § 1-27-1. Sections 1-25-6 to 1-25-9, inclusive, are not subject to the provisions of chapter 1-26.

1-25-8. OMC Members. The South Dakota Open Meeting Commission is comprised of five state's attorneys or deputy state's attorneys appointed by the attorney general. Each commissioner serves at the pleasure of the attorney general. The members of the commission shall choose a chair of the commission annually by majority vote.

1-25-12. DEFINITIONS. Terms used in the open meetings laws mean:

(1) "Official meeting," any meeting of a quorum of a public body at which official business or public policy of that public body is discussed or decided by the public body, whether in person or by means of teleconference or electronic means, including electronic mail, instant messaging, social media, text message, or virtual meeting platform, provided the term does not include communications solely to schedule a meeting or confirm attendance availability for a future meeting;

(2) "Political subdivision," any association, authority, board, municipality, commission, committee, council, county, school district, task force, town, township, or other local governmental entity, which is created by statute, ordinance, or resolution, and is vested with the authority to exercise any sovereign power derived from state law;

(3) "Public body," any political subdivision or the state;

(4) "State," each agency, board, commission, or department of the State of South Dakota, not including the Legislature; and

(5) "Teleconference," an exchange of information by any audio, video, or electronic medium, including the internet.

1-25-13. ANNUAL REVIEW OF OPEN MEETING LAWS. Any agency, as defined in § 1-26-1, or political subdivision of this state, that is required to provide public notice of its meetings pursuant to § 1-25-1.1 or 1-25-1.3 must annually review the following, during an official meeting of the agency or subdivision:

(1) The explanation of the open meeting laws of this state published by the attorney general, pursuant to § 1-11-1; and

(2) Any other material pertaining to the open meeting laws of this state provided by the attorney general.

The agency or subdivision must include in the minutes of the official meeting an acknowledgement that the review was completed.

1-27-1.16. MEETING PACKETS AND MATERIALS.

If a meeting is required to be open to the public pursuant to § 1-25-1 and if any printed material relating to an agenda item of the meeting is prepared or distributed by or at the direction of the governing body or any of its employees and the printed material is distributed before the meeting to all members of the governing body, the material shall either be posted on the governing body's website or made available at the official business office of the governing body at least twenty-four hours prior to the meeting or at the time the material is distributed to the governing body, whichever is later. If the material is not posted to the governing body's website, at least one copy of the printed material shall be available in the meeting room for inspection by any person while the governing body is considering the printed material. However, the provisions of this section do not apply to any printed material or record that is specifically exempt from disclosure under the provisions of this chapter or to any printed material or record regarding the agenda item of an executive or closed meeting held in accordance with § 1-25-2. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to printed material, records, or exhibits involving contested case proceedings held in accordance with the provisions of chapter 1-26.

1-27-1.17. DRAFT MINUTES. The unapproved, draft minutes of any public meeting held pursuant to § 1-25-1 that are required to be kept by law shall be available for inspection by any person within ten business days after the meeting. However, this section does not apply if an audio or video recording of the meeting is available to the public on the governing body's website within five business days after the meeting. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to draft minutes of contested case proceedings held in accordance with the provisions of chapter 1-26.

1-27-1.18. WORKING GROUP REPORTS. Any final recommendations, findings, or reports that result from a meeting of a committee, subcommittee, task force, or other working group which does not meet the definition of a political subdivision or public body pursuant to § 1-25-1, but was appointed by the governing body, shall be reported in open meeting to the governing body which appointed the committee, subcommittee, task force, or other working group. The governing body shall delay taking any official action on the recommendations, findings, or reports until the next meeting of the governing body.