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March 14, 2022

Joel Jundt, Secretary of Transportation
South Dakota Transportation Commission
South Dakota Department of Transportation
700 East Broadway Avenue
Pierre, SD 57501

Re: *Conflict of Interest Disclosure*

Dear Secretary Jundt:

This letter is a supplemental response to my July 23, 2021 Conflict of Interest Disclosure and in response to SDCL § 3-23-1 and SDCL § 3-23-2. The letter is intended to address whether I or my wife, derives any direct benefit from a contract or transaction with the State of South Dakota that specifically relates to the South Dakota Department of Transportation and my involvement as an active SDDOT Commissioner.

I am an employee in the law firm of Frieberg, Nelson & Ask, L.L.P. Brenda Ask, a partner attorney with the firm, was recently retained by Cory and Breanna Garbers, homeowners on Hwy 18 located in rural Canton, South Dakota.

I have enclosed the completed the Supplemental Disclosure for Commission Member pursuant to SDCL Chapter 3-23, and Supplemental Request for State Board Waiver pursuant to SDCL Chapter 3-23.

I will continue to review the agenda items for upcoming Transportation Committee meetings and be forthcoming in any potential conflict of interest. Thank you for your consideration.



LARRY A. NELSON
Commissioner
South Dakota Transportation Commission

LAN/src
CC: Karla Engle, Chief of Legal Counsel, SDDOT

STATE OF SOUTH DAKOTA
TRANSPORTATION COMMISSION

REQUEST FOR STATE BOARD WAIVER
PURSUANT TO SDCL 3-23-3

THIS IS A PUBLIC DOCUMENT

Date: 3/14/2022

Name of Board Member or Former Board Member: Larry A. Nelson

Name of Board, Authority, or Commission: South Dakota Transportation Commission

Brief explanation of contract for which a waiver is requested:

a) Parties to the contract

Cory and Breanna Garbers, South Dakota residents, and SD Department of Transportation.

b) Board Member's role in the contract

I am an employee attorney with the law firm of Frieberg, Nelson & Ask, LLP. Brenda M. Ask, an attorney with the firm is being retained to advise Cory and Breanna Garbers. I do not represent, nor do I participate in the representation of, Cory and Breanna Garbers in the contract matter.

c) Purpose and objective of the contract

I am informed that SDDOT has provided a contract to Cory and Breanna Garbers to purchase their property in relation to the construction project of Hwy 18, Lincoln County, known as NH0018.

d) Consideration or benefit conferred or agreed to be conferred upon each party

I am informed that Brenda M. Ask will be paid by Cory and Breanna Garbers for her legal work. Cory and Breanna Garbers may receive compensation from the State of South Dakota for the sale of the real property.

e) Duration of the contract

March, 2022 to a date unknown at this time.

Signature of Requesting Party:  Date 3/14/2022

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER
PURSUANT TO SDCL CHAPTER 3-23

THIS IS A PUBLIC DOCUMENT

Name of Member:
Larry A. Nelson

Name of Board, Authority, or Commission:
South Dakota Transportation Commission

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

- 1) With the state agency to which the Member's board, authority, or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
- 2) With the state and which contract requires the approval of the Member's board, authority, or commission and the expenditure of government funds; or
- 3) With a political subdivision of the state if the political subdivision approves the contract and:
 - a. Is under the regulatory oversight of the authority, board, or commission, or
 - b. Is under the regulatory oversight of the agency to which the Member's board, authority, or commission is attached.

The Member shall disclose the contract even though no additional authorization is needed from the Member's board, authority, or commission to have an interest or derive a benefit from the contract.

The Member shall also identify every entity in which the Member possesses an ownership interest of five percent or greater if:

- 1) The entity receives grant money from the State, either directly or by a pass-through grant or
- 2) The entity contracts with the State or any political subdivision for services.

1. **Contracts in which you have an interest pursuant to SDCL Chapter 3-23 and which do not violate any other provision of law** – Provide the following for each contract in which you have, or will have, an interest. For further information see SDCL 3-23-2.1 and 3-23.3.1.

| Description of the contract | Parties | Description of your interest/role in the contract | Date contract was previously disclosed, if applicable |
|-----------------------------|---------|---|---|
| | | | |

Attach additional pages, if necessary.

2. **Contract in which you have a direct benefit pursuant to SDCL Chapter 3-23** – Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2, and 3-23-3.1.

| Description of the contract | Parties | Description of the direct benefit | Date contract was authorized |
|---|---|---|------------------------------|
| Corey and Breanna Garbers, homeowners for advisement related to the SDDOT purchasing their real property related to work on SD Hwy 18 in rural Canton, SD | Brenda M. Ask, attorney with Frieberg, Nelson & Ask, LLP and attorney for Corey and Breanna Garbers; SDDOT as purchaser | I am an employee attorney with the firm of Frieberg, Nelson and Ask. Brenda M. Ask, Attorney with the same law firm, is a Partner attorney for and paid by Corey and Breanna Garbers to advise them and perform legal work in relation to the contract. | March 2022 |

Attach additional pages, if necessary.

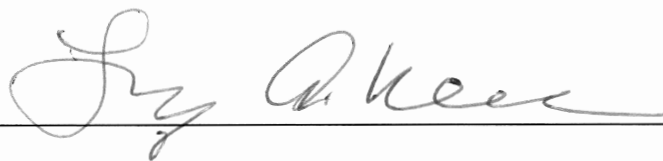
3. **Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services** – Provide the following for each such entity. See SDCL 3.23-3.1.

| Description of the contract or grant | Party in which you possess the interest | State agency or subdivision |
|--------------------------------------|---|-----------------------------|
| | | |

Attach additional pages, if necessary.

The Member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority, or commission in order for the Member to legally derive a direct benefit.

Signature of Member:



Date

3/14/2022