

GOVERNMENT ACCOUNTABILITY BOARD

MINUTES OF MEETING

August 22, 2022, at 10:00 a.m. CT**
Sioux Falls, SD

BOARD MEMBERS PRESENT: Lori Wilbur, David Gienapp, Gene Kean

CALL MEETING TO ORDER: Wilbur called the meeting to order at 10:00 a.m. Central Time. A quorum was present. The bridge call was initiated at 9:58 a.m.

OTHERS PRESENT: Katie Mallery, assisting the Board.
Mark Haigh, legal counsel for the Board
Lisa Prostrollo
Michele Ensz
Media

The following is a summary (not verbatim) of the matters discussed.

APPROVE AGENDA: Agenda was approved.

APPROVAL OF MINUTES: Motion by Kean, seconded by Gienapp, to approve the minutes of the August 3, 2022, meeting. Motion carried unanimously.

NEW BUSINESS: There was no new business to discuss.

DISCUSSION OF PENDING COMPLAINTS:

It was noted that Chief Justice Gilbertson had previously recused himself from sitting on Complaints 2021-03 & 2021-04.

Motion by Gienapp, seconded by Kean, to move into executive session pursuant to SDCL 1-25-2 and 3-24-4 to discuss Complaints 2021-03 and 2021-04. Motion carried unanimously. Board proceeded to executive session. The bridge call was disconnected at this time.

Executive Session ended and meeting was again open to the public. The bridge call was again initiated.

COMPLAINT 2021-03

Gienapp moved that the Board dismiss Complaint 2021-03 as it relates to subsections (5) and (9) of SDCL 3-24-3. Gienapp further moved that pursuant to GAB Rule A.(c), the board make an initial determination that the complaint, as it relates to subsections (2) and (4) of SDCL 3-24-3, alleges facts sufficient to constitute a violation of SDCL 3-24-3 and, further, that appropriate action pursuant to Rule A.(c) has been taken and Complaint 2021-03 as it relates to subdivisions (2) and (4) should be closed subject to the board's discretion to reopen the file, if it deems it appropriate. Kean seconded the motion. Motion carried unanimously.

Kean moved that the Motion to Strike as to Exhibit M be granted and that any client/attorney material is stricken from the record. Gienapp seconded the motion. Motion carried unanimously.

COMPLAINT 2021-04

Gienapp moved that the Board refer Complaint 2021-04 to the Office of the Attorney General for investigation by the Division of Criminal Investigation and take action if deemed appropriate by the Office of the Attorney General. Kean seconded the motion. Motion carried unanimously.

PUBLIC COMMENT: Time was allowed for public comment. No comment

DISCUSSION REGARDING FUTURE MEETINGS:

The next meeting will be scheduled at a later date.

ADJOURNMENT

Motion by Kean, seconded by Gienapp, to adjourn the meeting. Motion carried unanimously and the Board adjourned.

Approved on _____ day of _____, 2022.

On Behalf of the Government Accountability Board

** Members of the public were provided an option to appear at the meeting in person or via telephone. The information on how to appear via telephone was listed on the Agenda.

DRAFT