

GOVERNMENT ACCOUNTABILITY BOARD

MINUTES OF MEETING

August 3, 2022, at 10:00 a.m. CT**
Sioux Falls, SD

BOARD MEMBERS PRESENT: Lori Wilbur, David Gienapp , Gene Kean
(arrived at 10:05 a.m.), David Gilbertson

CALL MEETING TO ORDER: Wilbur called the meeting to order at 10:01 a.m. Central Time. A quorum was present. The bridge call was initiated prior to the start of the meeting.

OTHERS PRESENT: Katie Mallery, assisting the Board
Mark Haigh, acting legal counsel for the Board
Trooper Christopher Spielmann
Media

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

APPROVE AGENDA: Agenda was approved.

APPROVAL OF MINUTES: Motion by Gienapp, seconded by Gilbertson, to approve the minutes of the June 27, 2022, meeting. Motion carried unanimously. Kean was not present for the vote.

NEW BUSINESS: There was no new business to discuss.

DISCUSSION OF PENDING COMPLAINTS

Complaint 2022-01

Motion by Gienapp, seconded by Gilbertson to move into executive session to discuss Complaint 2022-01 pursuant to SDCL 1-25-2 and 3-24-4. The bridge call was muted at this time and members of the public were asked to leave the room.

The Board came out of executive session and the bridge call was again initiated and members of the public were invited to join the meeting.

Gilbertson moved that the Board dismiss Complaint 2022-01 for lack of jurisdiction as the Board only has jurisdiction over complaints that involve an employee of a statewide office as defined in SDCL 12-27-1. Kean seconded the motion. Motion carried unanimously.

Chief Justice Gilbertson excused himself from the rest of the meeting as he had previously recused himself on Complaints 2021-03 & 2021-04.

Complaints 2021-03 & 2021-04

Motion of Gienapp, seconded by Kean to move into executive session to discuss Complaints 2021-03 & 2021-04 pursuant to SDCL 1-25-2 and 3-24-4. The bridge call was disconnected at this time and members of the public were asked to leave the room.

The Board came out of executive session and the bridge call was again initiated and members of the public were invited to join the meeting.

Kean moved that the Board deny the Motion to Dismiss that was filed in both Complaints 2021-03 and 2021-04. Gienapp seconded the motion. Motion carried unanimously.

Gienapp moved that any further decisions be held in abeyance to allow further investigation. Kean seconded the motion. Motion carried unanimously.

Gienapp also moved that in addition to the extension that was already granted to the Respondent, the Board have a 60-day extension in which to continue to investigate. Kean seconded that motion. Motion carried unanimously.

PUBLIC COMMENT: Time was allowed for public comment. No comment was made by members of the public.

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.

The bridge call was disconnected.

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 through a bridge call. The information on how to appear via telephone was listed on the Agenda.