

LAW ENFORCEMENT OFFICERS
STANDARDS AND TRAINING COMMISSION
Amphitheatre - Criminal Justice Training Center
Pierre, SD
September 29, 2022

The South Dakota Law Enforcement Officers Standards and Training Commission meeting was called to order at 1:00 pm on September 29, 2022, in the Amphitheatre at the Criminal Justice Training Center, Pierre South Dakota.

Roll call was taken with the following members responding, Jim Eschenbaum, Hand County Commissioner; Neil Fulton, USD School of Law Dean; Gary Gaikowski, Sisseton-Wahpeton Chief of Police; Andy Howe, Clay County Sheriff; Rick Miller, SD Highway Patrol Superintendent; Joan Pecora, Special Agent, FBI; Jessica Quigley, Tea Chief of Police; Kathy Peterson, Rapid City; Jay Rasmussen, Sioux Falls; Mark Vargo, Attorney General; and Tom Wollman, Lincoln County State's Attorney. Others present included Hank Prim, Executive Secretary; Chad Mosteller, Chairman; and Law Enforcement Training and DCI Staff. Commission Member Steve Allender, Rapid City Mayor was absent.

The meeting opened with the approval of an agenda amendment, the addition of public comment, on a **motion** by Commission Member Eschenbaum, **second** by Commission Member Pecora, motion **approved**.

Following SDCL1-25-1, official meetings are open to the public. Time was allowed by Chairman Mosteller for public comments. The floor was open for public comments. There were no public comments and/or testimony on any of the agenda items.

Chairman Mosteller declared a quorum present and started the order of business with the scheduled hearing for **Michael Rothschadl**, former Yankton County Sheriff's Office Chief Deputy.

Chairman Mosteller turned the proceedings over to Hearing Officer Ryan Vogel. It was stated for the record this is the time and place for the hearing to determine whether Rothschadl engaged in conduct unbecoming of a law enforcement officer, in violation of SDCL § 23-3-35(3) and ARSD 2:01:11:01 and 2:01:11:10, to wit: without authority, Yankton County Chief Deputy Sheriff Rothschadl retrieved a confidential 2012 Division of Criminal Investigation polygraph report from a records management drive shared with the Yankton Police Department and provided it to a Facebook page administrator for the purpose of discrediting his opponent in the Yankton County Sheriff's race on May 23, 2022, in violation of SDCL § 23-3-35(3) and ARSD 2:01:11:01 and 2:01:11:10. Rothschadl resigned from the Yankton Sheriff's Office.

Rothschadl is present with counsel Brad Schreiber. Kelly Marnette, Assistant Attorney General, is acting counsel for the State. Hearing Officer Vogel advised Rothschadl of the hearing procedure and due process. The record will reflect a stenographic transcription of the hearing will be made and copies of the transcript will be available and tender of the cost thereof. See file for exhibits.

Chairman Mosteller called a brief recess and members returned to session with a quorum present.

Concluding opening statements, presentation of exhibits, testimony, questions, and closing statements, the evidentiary portion of the hearing concluded. The commission retired into executive session on a **motion** simultaneously by Commission Members Eschenbaum and Fulton, **second** by Commission Member Peterson, motion **approved**.

Members reconvened into open session with a **motion** by Commission Member Wollman, **second** by Commission Member Miller. **Motion** by Commission Member Fulton to find by clear and convincing evidence on conduct unbecoming a law enforcement, to suspend certification for 90 days and authorize the Chair to sign Findings, Conclusion and Order on behalf of the commission, **second** by Commission Member Wollman. Motion **approved** by verbal response in the affirmative by all members. **Action: 11-0 Aye** (Eschenbaum, Fulton, Gaikowski, Howe, Miller, Pecora, Peterson, Quigley, Rasmussen, Vargo, and Wollman). Assistant Attorney General Ms. Marnette will prepare the Findings and Conclusions. This concluded the hearing proceedings.

There being no further business to come before the meeting body, the meeting was adjourned on a **motion** by Commission Member Miller **second** by Commission Member Eschenbaum, motion **carried**. The meeting will reconvene on September 30, 2022, at 8:30 a.m.