

STATE OF SOUTH DAKOTA
OPEN MEETINGS COMMISSION

IN THE MATTER OF OPEN)	OMC 2026-01
MEETINGS COMPLAINT AGAINST)	
CITY OF GARY - GARY CITY)	STIPULATION AND AGREEMENT
COUNCIL - DEUEL COUNTY)	WITH REPRIMAND

STIPULATION AND AGREEMENT

This Stipulation and Agreement with Reprimand is made and entered into by the South Dakota Open Meetings Commission, hereinafter referred to as “OMC” and the City of Gary, governed by the Gary City Council, hereinafter referred to as “Gary City Council”, witness and agree to the following:

1. On December 4, 2025, Rachel Hinsvark mailed an alleged violation of the open meetings laws by the Gary City Council to the South Dakota Attorney General. In accordance with SDCL § 1-25-6, the complaint must be directed to the attention of the local state’s attorney.
2. On December 17, 2025, South Dakota Attorney General’s Office staff referred the complaint to Deuel County State’s Attorney Craig Evenson for an investigation and for action pursuant to SDCL § 1-25-6.
3. On February 17, 2026, Deuel County State’s Attorney Craig Evenson referred the alleged violation of the open meetings law to the Attorney General’s Office for the OMC to hear the matter in accordance with SDCL § 1-25-6(3).

4. The complainant alleged at the December 1, 2025 Gary City Council meeting, the council went into executive session for personnel and legal matters.

5. The complaint alleges that three city employees were present in the executive session without a recorded motion or vote authorizing their presence, and that after being dismissed, one employee remained within earshot of the executive session, potentially overhearing confidential discussions.

6. The complaint further raises concerns about a local conflict of interest affecting the impartial review of the matter at the county level.

7. The Gary City Council understands they have the right to consult with an attorney of their own choosing and expense and did so with counsel Reed Mahlke. The Gary City Council understands they have the right to an administrative hearing. City Attorney Reed Mahlke and Mayor Larry Stoks have been authorized to sign this Stipulation and Agreement and is waiving the board's right to a hearing based on authority and consent.

8. The Gary City Council admits to an open meetings violation and acknowledges that confidentiality of executive session could have been breached at the December 1, 2025 Gary City Council meeting.

9. The Gary City Council will use its best efforts in the future to ensure individuals will not be allowed within earshot of an executive session.

10. A copy of the open meetings brochure dated December 31, 2025, will be provided and explained to the Gary City Council by city attorney Reed Mahlke at a future meeting within the next 60 days.

11. The Gary City Council, as the governing body of City of Gary, South Dakota, is a public body subject to the open meetings requirements of SDCL ch. 1-25.

12. The Gary City Council admits, and the OMC concludes, the Gary City Council did violate the open meetings laws by not safeguarding against individuals being able to possibly overhear the confidential portion of the executive session at the December 1, 2025 Gary City Council meeting as required by SDCL § 1-25-2.

13. It is the intent of the Gary City Council to provide an offer of an informal compromise and settlement of all issues which could be raised in a formal contested hearing.

14. This Stipulation and Agreement is a public record of the OMC and shall be published on the OMC's website.

15. In the event the OMC does not approve this Stipulation and Agreement, any argument is waived that the OMC members considering this Stipulation and Agreement should be disqualified from later rendering a decision in any subsequent contested case hearing regarding this pending action.

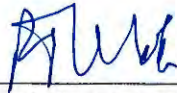
16. The OMC does not have jurisdiction over local conflict of interests affecting the impartial review of a matter at city level.

17. Findings of Fact and Conclusions of Law are hereby waived.

Dated this 23 day of April, 2026.



Mayor Larry Stoks



Reed T. Mahlke
Attorney for Gary City Council

REPRIMAND

Based upon the foregoing, the South Dakota Open Meetings Commission **REPRIMANDS** the Gary City Council for violating SDCL § 1-25-2 by failing to safeguard against individuals being able to possibly overhear the confidential portion of the executive session at the December 1, 2025 Gary City Council meeting.

Decision entered by Commissioners **M. Smith** (Chair), **K. Hoffman** (Vice Chair), **A. Hoffman**, **E. Sovell** and **L. Russell**.

Dated this _____ day of April, 2026.

Michael R. Smith, Chair
South Dakota Open Meetings Commission