

STATE OF SOUTH DAKOTA
OPEN MEETINGS COMMISSION

IN THE MATTER OF OPEN)	OMC 2026-02
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 February 17, 2026, Deuel County State’s Attorney Craig Evenson, acting in his capacity as State’s Attorney and acting in his individual capacity as the complainant, referred an alleged violation of the open meetings laws to the Attorney General’s Office for the OMC to hear the matter in accordance with SDCL § 1-25-6(3).

2. The complainant alleged at the time designated as public comment period, three members of the public who were also city employees were asked to leave the November 3, 2025 meeting by the Gary City Council.

3. 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 their authority and consent.

4. The Gary City Council admits to an open meetings laws violation related to removing from the open meeting three members of the public who were also city employees at the November 3, 2025 Gary City Council meeting.

5. 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.

6. 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.

7. The Gary City Council admits, and the OMC concludes, the Gary City Council did violate the open meetings law by failing to allow members of the public to remain during the open meetings portion of the November 3, 2025 Gary City Council meeting as required by SDCL § 1-25-1.

8. 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.


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

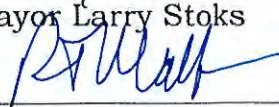
10. This stipulation and agreement is subject to OMC approval. In the event the OMC does not approve this Stipulation and Agreement, OMC will proceed to hear this matter and any argument is waived that the OMC

members considering this Stipulation and Agreement should be disqualified from later rendering a decision in any subsequent contested case hearing regarding this pending action.

11. 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 § 1-25-1 by failing to allow members of the public to remain during the open meetings portion of the November 3, 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