

EXHIBIT H

Agenda and Documents of
November 15, 2021 GOAC Hearing

AGENDA

Government Operations & Audit Committee



Senator Kyle Schoenfish, Chair
Representative Randy Gross, Vice Chair

Fifth Meeting, 2021 Interim
Monday, November 15, 2021

Room 413 – State Capitol, Pierre, SD

Those wishing to testify remotely must register by November 12, 2021, by email to Tim.Flannery@state.sd.us. Testifiers should provide their full name, email address, whom they are representing, city of residence, and which agenda item they will be addressing.

8:00 a.m. Call the meeting to order

Item 1 – Committee discussion of follow-up information requested from the Department of Labor and Regulation

[Letter to Labor Doc.1](#)

Item 2 – Committee discussion of follow-up information requested from Ms. Bren

[Letter to Ms. Bren Doc.2](#)

[Reply from Ms. Bren Doc.2a](#)

PLEASE NOTE: The above times are approximate. When applicable, the Chair will ask for public testimony after each agenda item/or at the end of the meeting. Written testimony must be received at least 48 hours prior to the meeting to be considered at the meeting.

Members: Senator Kyle Schoenfish, Chair; Representative Randy Gross, Vice Chair; Senators David Wheeler, Jean Hunhoff, Wayne Steinhauer, and Reynold Nesiba; Representatives Ernie Otten, Sue Peterson, Chris Karr, and Linda Duba

This meeting is being held in a physically accessible location. Any individual needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) in advance of the meeting to make further arrangements. In-person attendees are encouraged to observe COVID-19 safety guidance.

All committee agendas, minutes, and audio are available on the LRC website: <http://www.sdlegislature.gov>. Live committee audio is provided by South Dakota Public Broadcasting and is also available at <http://www.sd.net>. You may subscribe to electronic delivery of agendas and minutes at My LRC on the LRC website.

REPRESENTATIVE SPENCER GOSCH, CHAIR | SENATOR LEE SCHOENBECK, VICE CHAIR
TED HOLWEGNER, DIRECTOR | SUE CICHOS, DEPUTY DIRECTOR | JUSTIN GOETZ, CODE COUNSEL
500 EAST CAPITOL AVENUE, PIERRE, SD 57501 | 605-773-3251 | SDLEGISLATURE.GOV



November 4, 2021

Ms. Marcia Hultman, Cabinet Secretary
Department of Labor and Regulation
123 West Missouri Avenue
Pierre, South Dakota 57501

Dear Secretary Hultman:

The Government Operations and Audit Committee requests that you provide the agreement between the State's Appraiser Certification Program and Cassidy Peters, which outlined the training plan relating to Ms. Peters' appraiser application. The information provided will be kept confidential by Committee members and staff to the Committee.

Please send the information to Tim Flannery, staff to the Committee, and he will confidentially communicate the reports to Committee members.

Sincerely,

A handwritten signature in black ink, appearing to read "Kyle Schoenfish". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Senator Kyle Schoenfish, Chair
Government Operations and Audit Committee



November 10, 2021

Timothy J. Rensch
Rensch Law Office
832 St. Joseph Street
Old Thurston Hotel Building
Rapid City, South Dakota 57701

Dear Mr. Rensch:

The Legislature's Government Operations and Audit Committee requests that you respond to the following Committee questions concerning your client, Sherry Bren. In addition, Ms. Bren may feel free to provide any additional information or general statements she would like.

Kassidy Peters

1. Were you a participant in any informal/pre meetings that pertained to Kassidy Peters and her plan to achieve certification?
2. If you were a participant, what was your involvement regarding the plan?
3. Was there a formal document created and agreed to by Kassidy Peters and any other participants?
4. Who was directly or indirectly responsible for ensuring Kassidy Peters completed additional training/requirements to be certified?
5. Do you have any other information you can provide that may be pertinent to Kassidy Peter's certification, the meeting in July 2020, or subsequent follow up actions taken by the DOL regarding your request to leave?
6. Was an action plan in place, designed to assure successful completion of licensing/certification, on behalf of Kassidy Peters prior to 2021. Was any such action plan endorsed by you or your office?
7. Was Kassidy Peters given special treatment in the process of granting her appraiser certification?
8. Did you enter into an Agreed Disposition with Kassidy Peters when you were the director of the Appraiser Certification Program? If so, when was that agreement made? Were the terms of the agreement any more or less stringent than terms agreed to with other applicants for certification?
9. After an Agreed Disposition is made with any applicant, what further role did you have in the certification process? If an applicant complies with the terms of an Agreed Disposition, did you have any further discretion in granting or denying the appraiser certification?
10. Were you ever pressured by any state official to grant Kassidy Peters a certification? If so, please identify the state official and describe the nature of the pressure and your response to it.

Sherry Bren and her retirement

11. When you were asked to retire, what specific reasons were given for your forced retirement?
12. Had you at any time prior to the July 2020 meeting had any conversations with your direct supervisor or the Secretary of Labor that specifically detailed deficiencies in your actions/performance related to the Appraiser Certification Program? If yes, were these documented by your superiors?
13. You filed a claim based on age discrimination. Do you believe age was the only, or primary, consideration in your encouraged retirement?
14. Was there anything negative in any of your performance evaluations (reviews) prior to 2021?

Professional Appraisers Association of South Dakota (PAASD)

15. Please describe your working relationship with the PAASD prior to 2021?
16. Have you had any involvement with PAASD since your leaving state employment? If so, what?

Meeting with the Governor

17. When you were called to the Governor's Residence, were you surprised by anyone who was in attendance given the topic of the meeting was to discuss the certification process?
18. Please provide an overall summary of the meeting including approximate length, topics discussed, any tasks/deliverables assigned, etc.
19. Was Cassidy Peters' role at your meeting to help illustrate problems with the program or to address her personal struggles passing the exam?
20. Had your boss at DOL, at any time in your tenure, ever called a meeting similar to the one with the Governor (with the individual whose certification/licensing status was in question in attendance) before?
21. How would you describe the meeting with the Governor on July 27, 2020? What was its purpose? Was Cassidy Peter's application discussed? If so, who participated in the discussion and what was the nature of that discussion?

Other matters

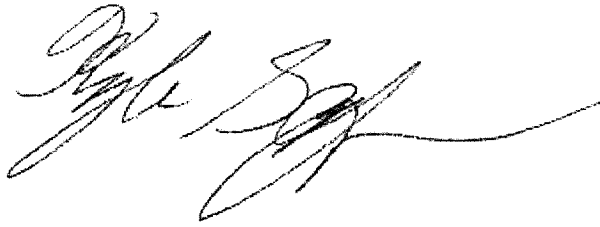
22. Secretary Marcia Hultman provided testimony to the Government Operations and Audit Committee on October 28, 2021, the audio of her testimony is available on Legislative Research Council's website, what if any statements she made do you consider to be inaccurate, and if so, please explain.
23. The Governor convened a group of her Department Secretaries shortly after taking office in January 2019. Were you ever a part of or aware of any discussions regarding the Appraiser Certification program/process in terms of delays or red tape? If yes, what tasks or actions were you asked to take to improve the certification process?
24. Were you asked to assist or provide written documentation for the incoming Executive Director prior to your leaving in March 2021?

Please submit this information by December 10, 2021, to Committee staff: Tim Flannery, Department of Legislative Audit, 427 South Chapelle, Pierre, SD, 57501.

If you have any questions, please contact Tim Flannery with the Department of Legislative Audit at (605) 773-3595.

Mr. Rensch
November 10, 2021
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Sincerely,

A handwritten signature in black ink, appearing to read "John Egan", written in a cursive style.

Government Operations and Audit Committee

Timothy J. Rensch ♦**†*
John S. Rusch
Kylie L. Schmit

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In Memoriam
William M. Rensch
(1925 - 2008)

Sender's Email Address tjm@renschlaw.com

November 11, 2021

Via Email Kyle.Schoenfish@sdlegislature.gov

South Dakota Legislative Research Council
Senator Kyle Schoenfish, Chair
Government Operations and Audit Committee
500 East Capitol Avenue
Pierre, SD 57501

RE: Ms. Sherry Bren

Dear Senator Schoenfish:

Thanks for reaching out to me regarding my client above. Rather than a written question format it is my client's preference to testify live pursuant to a valid subpoena. I will accept service on her behalf to reduce any complications of service we would waive any witness or mileage fees. I would like to also be included in the scheduling of her testimony so I can avoid any scheduling conflicts; thus, if you would advise in advance as to proposed dates I would appreciate it. Thank you very much for your time and attention.

Sincerely,
RENSCH LAW



Timothy J. Rensch

TJR:kc

cc: Sherry Bren