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STATE OF SOUTH DAKOTA

December 15, 2021

Government Accountability Board  
2000 E. 52<sup>nd</sup> Street N  
Sioux Falls, SD 57104

Dear members of the Government Accountability Board:

I am in receipt of your December 14, 2021, letter that was sent to me via e-mail. Unfortunately, my schedule does not allow me to attend on such short notice. However, if the Board would like me to make a presentation in some fashion, I agree it would need to be at a later date and would be willing to do so.

I would further supplement the record with the following link, which is a recording of the December 14, 2021, hearing before the Government Operations and Audit Committee wherein Ms. Sherry Bren (hereafter Bren) testified:

<https://sdpb.sd.gov/sdpbpodcast/2021/interim/goa12142021.mp3>

I am in the process of having the hearing transcribed, but because of the short turnaround time it is not done yet. As the transcript becomes available, I will supplement the record with more precise page numbers and lines of items that are relevant to this matter. However, here is my summary of what Bren testified about:

Bren testified that Ms. Cassidy Peters (hereafter Peters) was provided an agreed disposition in the March/April 2020 timeframe. However, Peters did not complete the requirements satisfactorily. Bren further testified that on or about July 20, 2020, Peters was noticed that she had not completed the requirements properly. Apparently, Findings of Fact and Conclusions of Law were prepared, and a letter of denial was contemplated or prepared. Bren stated that Peters' work was sent out of state to Connecticut to a John Leary (sp?) for review.

Bren further testified that she was informed on July 26, 2020, that the Governor requested her presence at the Governor's mansion on July 27, 2020. Bren was advised of a series of questions to be addressed, including at least one specifically about Peters and her inability to get licensed. Bren testified that she attended the meeting and was surprised by how many people

were in attendance. Bren stated that the Governor was “upset” and that Bren was “very nervous” and felt “intimidated”.

Bren stated that Peters’ situation and the terms and conditions of her agreed disposition were discussed at the meeting, which is directly contrary to the public statements of the Governor and Labor Secretary Hultman. Bren stated that she was asked to remove classes from the requirements for Peters, which is directly contrary to public statements of the Governor and Labor Secretary Hultman that Bren was not asked to change conditions of Peters’ application process after the meeting. Furthermore, she testified that this was the only Stipulated Agreement that she remembers ever happening with regard to the licensing of an applicant. She stated that this was “not normal procedure”. Bren confirmed on direct questioning that the Department’s treatment of Peters’ application was “out of the ordinary” and was “treated different than any other before.” Bren testified that the Secretary of Labor is the individual who had the authority to go outside of the normal procedures. She also stated that involvement by the Labor Secretary was not common. Bren remains bound by a non-disparagement clause to her age discrimination settlement and therefore chose not to answer some questions.

Many of these statements by Hultman are in direct contrast to the testimony of Labor Secretary Hultman and/or her letter to the Executive Board. The statements by Bren also contradict the public statements made by Governor Noem.

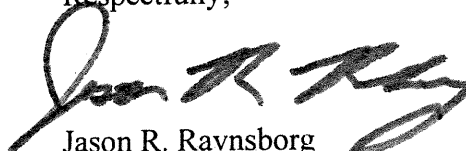
Therefore, an investigation is even more warranted than before these proceedings began.

A number of documents should be obtained. Specifically, but not exclusively, 1) All test scores and relevant information as to hours trained in order to be certified as an appraiser by Peters; 2) Any information on the test results/accuracy of the work from John Leary (sp?) of Connecticut; 3) Any denial letters or correspondence to Peters about her progress and/or results; 4) any Findings of Fact/Conclusions of Law prepared for this matter; 5) the Agreed Disposition mentioned from the March/April 2020 timeframe; 6) any drafts of such documents; 7) any email or written correspondence about this matter between the parties.

A number of witnesses need to be questioned and/or deposed.

I will supplement the record as more information becomes available.

Respectfully,



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