

Government Accountability Board

Minutes of the Meeting

October 19, 2026

1:00 p.m. Central Time

Madison, SD

Board Judge David Gienapp, retired—Chair
Members: Judge John Bastian, retired (by telephone)
Present Chief Justice David Gilbertson, retired
Judge Larry Long, retired
Others Present: Assistant Attorney General Christopher Dabney
S.D. Highway Patrol Trooper Chris Spielmann
Bob Mercer, Keloland (by telephone)
Meghan O'Brien, South Dakota Searchlight (by telephone)

The following is a summary—not a transcript—of the meeting.

Call to Order: The Chair called the meeting to order at approximately 1:00 p.m. Central Time. A quorum of the Board was present. The telephone line was initiated prior to the meeting being called to order.

Approval of Agenda: Chief Justice Gilbertson moved to approve the proposed agenda. Judge Long seconded the motion. The Board unanimously approved.

Old Business

Approval of Minutes: Judge Long moved to approve the draft minutes from the August 5, 2026 meeting. Chief Justice Gilbertson seconded the motion. The Board unanimously approved.

New Business

Proposed Amendment to Procedure: Judge Gienapp proposed amending the Board's complaint procedure to authorize the Chair to dismiss a complaint for lack of jurisdiction in the absence of an objection from any Board member. Judge Long moved to approve the amendment. Chief Justice Gilbertson and Judge Bastian seconded the motion. The Board unanimously approved.

Consideration of Complaint 2026-05: Chief Justice Gilbertson moved to enter executive session for initial consideration of Complaint 2026-05. Judges Bastian and Long seconded the motion. The Board unanimously approved. The purpose of entering executive session was to discuss the

character, competence, fitness, performance, or qualifications of a current public employee under SDCL 1-25-2(1).

The Board entered executive session. The public exited the meeting room. The public telephone line was muted but not disconnected. Judge Bastian joined the Board on a separate telephone line to participate.

Executive session ended. The public telephone line was unmuted. Judge Bastian rejoined the public telephone line.

Chief Justice Gilbertson moved to dismiss Complaint 2026-05 because the facts as alleged do not establish the Board's jurisdiction over the conduct complained of. Judge Long seconded the motion. The Board unanimously approved.

Public Comment: The Chair invited comments from the public. No member of the public provided comments.

Next Meeting: The next meeting will be scheduled at the call of the Chair.

Adjournment: Judge Long moved to adjourn. Chief Justice Gilbertson seconded the motion. The Board unanimously approved.

Approved on ____ day of _____, 2026.

On Behalf of the Government Accountability Board

Members of the public were provided the opportunity to appear at the meeting in person or by telephone. The proposed agenda provided the date, time, and location of the meeting, as well as the number and access code for the public telephone line. The agenda was posted at the Attorney General's offices in Pierre and Sioux Falls, as well as on the Board's website, at least seventy-two hours prior to the meeting.