

# **GOVERNMENT ACCOUNTABILITY BOARD**

## **MINUTES OF MEETING**

September 25, 2018, at 2:00 p.m. CT  
Sioux Falls, SD

**BOARD MEMBERS PRESENT:** Lori Wilbur, Peter Lieberman (appeared telephonically), David Gienapp

**CALL MEETING TO ORDER:** Wilbur called the meeting to order at 2:00 p.m. a.m. Central Time. A quorum was present. Wilbur explained that Judge Peter Lieberman is a retired judge that had been given special appointment by Governor Dugaard on September 24, 2018, to act as a member of the Government Accountability Board for Complaint 2018-04 as Judge Kean and Judge Riepel had recused themselves from being involved with that complaint.

**OTHERS PRESENT:** Katie Mallery, assisting the Board.

**The following is a summary (not verbatim) of the matters discussed.**

**APPROVE AGENDA:** Motion by Gienapp to approve Agenda, seconded by Lieberman. Motion carried unanimously.

**APPROVAL OF MINUTES:** Motion by Gienapp, seconded by Wilbur, to approve the minutes of the May 30, 2018, meeting. Motion carried unanimously.

**NEW BUSINESS:** Mallery informed the Board that she had renewed the Government Accountability Board mailbox for the year.

### **DISCUSSION OF PENDING COMPLAINTS:**

Motion by Gienapp, seconded by Wilbur, to move into executive session pursuant to SDCL 1-25-2 to discuss Complaint 2018-04. Motion carried unanimously. Board proceeded to executive session.

Executive Session ended and meeting was again open to the public.

**COMPLAINT 2018-04**

Complaint 2018-02 & 03 list the same person as the subject of their complaints. Motion by Kean, seconded by Riepel, to refuse Complaint 2018-02 for lack of jurisdiction since employee listed in complaint is not employed by the executive branch. Motion carried unanimously.

Gienapp moved that the Board give notice to respondent that he has 15 days to respond to Complaint 2018-04. Lieberman questioned whether the respondent would be given notice of which subsections the Board is proceeding under. Mallery said the respondent will be given a copy of the complaint as well as notice that the Board was also proceeding under subsection 3-24-3(4). Wilbur said that is correct because the Board has made an initial determination under both 3-24-3(4) and 3-24-3(9). Lieberman seconded the motion. Wilbur amended the motion to include that the Board has made an initial determination, that the complaint alleges facts that if true would be sufficient to constitute a violation of the statute. Gienapp moved to amend his motion to include that phrase. Lieberman seconded the amended motion. Motion carried unanimously.

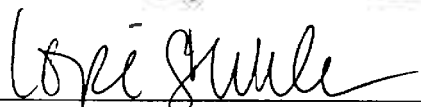
**DISCUSSION REGARDING FUTURE MEETINGS:**

The next meeting will be held on October 25, 2018, at 10:00 a.m. Central Time.

**ADJOURNMENT**

Motion by Gienapp, seconded by Lieberman, to adjourn the meeting. Motion carried unanimously and the Board adjourned.

Approved on 20 day of December, 2018.

  
On Behalf of the Government Accountability Board