

# GOVERNMENT ACCOUNTABILITY BOARD

## MINUTES OF MEETING

June 9<sup>th</sup>, 2025, at 10:00 a.m. Central Time  
Sioux Falls, SD

**BOARD MEMBERS PRESENT:** Ret. Judge Larry Long, Ret. Judge David Gienapp, Ret. Chief Justice David Gilbertson

**MEETING CALLED TO ORDER:** The meeting was called to order at approximately 10:05 a.m. Central Time. A quorum was present. The telephonic line was initiated prior to the meeting being called to order.

**OTHERS PRESENT:**

- Ryan McFall, assisting the Board,
- Trooper Alexander Murray of the South Dakota Highway Patrol
- Makenzie Huber, Reporter, *South Dakota Searchlight*

**The following is a summary of the matters discussed.**

**APPROVAL OF AGENDA:** Motion by Ret. Chief Justice Gilbertson, seconded by Ret. Judge Long. Agenda was approved unanimously.

**APPROVAL OF MINUTES:** Motion by Ret. Judge Long to approve minutes from the September 18<sup>th</sup>, 2024, meeting. The motion was seconded by Ret. Chief Justice Gilbertson and approved unanimously.

**NEW BUSINESS:**

**DISCUSSION OF PENDING COMPLAINTS:** Motion by Ret. Chief Justice Gilbertson to enter into executive session pursuant to SDCL 1-25-2 and 3-24-4 to discuss Complaints 2025-02 and 2025-03. Motion seconded by Ret. Judge Long. Motion carried unanimously.

The public exited the meeting room. The telephonic line was disconnected. The Board entered executive session.

Executive session regarding Complaints 2025-02 and 2025-03 ended and the meeting was again open to the public including the telephonic line being reinitiated.

COMPLAINT 2025-02 AND 2025-03

Ret. Judge Long made a motion to dismiss Complaints 2025-02 and 2025-03. In Complaint 2025-02, the Board found that the statutory appeal process was not followed and the ability to appeal the decision complained of by the individual listed does not exist within the statutory authority of the Board. Secondly, the Board found in 2025-03, that the individual complained of is considered an independent contractor and thus not an employee of the executive branch subject to the authority of SDCL ch. 3-24. The motion was seconded by Ret. Chief Justice Gilbertson. The motion was carried unanimously.

Motion by Ret. Chief Justice Gilbertson to enter executive session regarding Complaint 2025-01. Motion seconded by Ret. Judge Gienapp. Ret. Judge Long recused himself. Motion carried unanimously.

The public exited the meeting room. The telephonic was disconnected. The Board entered executive session.

Executive session regarding Complaint 2025-01 ended and the meeting was gain open to the public including the telephonic line being reinitiated.

COMPLAINT 2025-01

Ret. Chief Justice Gilbertson moved to dismiss Complaint 2025-01 without prejudice finding that the filings did not include enough information to adequately review and investigate the matter alleged. More specifically, the Board indicated that it would need a transcript of a specific hearing to review the allegations. Board staff was to advised Complainant of specifics. The Board allowed the Complainant to supplement filings within sixty (60) days. The motion was seconded by Ret. Judge Gienapp. The motion was carried unanimously.

**PUBLIC COMMENT:** No public comment was made.

**DISCUSSION REGARDING FUTURE MEETINGS:** The next meeting will be scheduled as needed at a later date, at the call of the Chair.

**ADJOURNMENT:** Motion by Ret. Chief Justice Gilbertson, seconded by Ret. Judge Long. Motion carried unanimously.

Approved on \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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On Behalf of the Government Accountability Board

\*\* Members of the public were provided an option to appear at the meeting in person or by phone. The information on how to appear by phone was listed on the Agenda.

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