

GOVERNMENT ACCOUNTABILITY BOARD

MINUTES OF MEETING

May 9, 2024, at 9:00 a.m. Central Time
Sioux Falls, SD

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

CALL MEETING TO ORDER: The meeting was called to order at approximately 10:03 a.m. Central Time. A quorum was present. The telephonic line was initiated prior to meeting being called to order.

OTHERS PRESENT: Lindsey Quasney, assisting the Board
Katie Mallery, assisting the Board
Makenzi Huber
Deb Gilbertson
Keith Ryan

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

APPROVE AGENDA: Agenda was approved.

APPROVAL OF MINUTES: Motion by Ret. Judge Kean, seconded by Ret. Judge Kean Gienapp, to approve the minutes of the December 20, 2022, meeting. Ret. Chief Justice Gilbertson abstained from voting. Motion carried unanimously.

NEW BUSINESS: Election of Chair and Vice Chair

Motion by Ret. Judge Kean to nominate Ret. Judge Gienapp as Chair, seconded by Ret. Judge Long. Motion carried unanimously.

Motion by Ret. Judge Kean to nominate Ret. Chief Justice Gilbertson as Vice Chair, seconded by Ret. Judge Long. Motion carried unanimously.

Motion by Ret. Chief Justice Gilbertson to send notice to persons against whom complaints are made upon receipt of complaint. Discussion of the confidentiality of complaints was had by the Board. Concern for the confidentiality of complainants and the potential of dismissal based upon jurisdiction was discussed by Ret. Judge Gienapp. Motion withdrawn by Ret. Chief Justice Gilbertson.

DISCUSSION OF PENDING COMPLAINTS:

Motion by Ret. Judge Gienapp, seconded by Ret. Judge Kean, to move into executive session pursuant to SDCL 1-25-2 and 3-24-4 to discuss Complaints 2024-01, 2024-02, and 2024-03. Motion carried unanimously. Board proceeded to executive session.

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

COMPLAINT 2024-01

Ret. Chief Justice Gilbertson moved that the Board move forward with Complaint 2024-01, further moving that the Board send the complaint and accompanying documents to respondent and giving respondent 30 days to reply. Ret. Judge Long seconded the motion. Motion carried unanimously.

COMPLAINT 2024-02

Ret. Judge Long moved for the Board to dismiss due to lack of jurisdiction, the person complained being a County Official which the Board does not have jurisdiction over. Ret. Judge Kean seconded the motion. Motion carried unanimously.

COMPLAINT 2024-03

Ret. Judge Kean moved for the Board to dismiss for to lack of jurisdiction, due to the person complained of not being a government employee listed in SDCL 3-24-3 at the time the conduct complained of was alleged to have occurred. Ret. Chief Justice Gilbertson seconded the motion and also noted that the alleged misconduct occurred before the laws of the Government Accountability Board were enacted, therefore further depriving the Board of jurisdiction. Motion carried unanimously.

PUBLIC COMMENT: Dr. Keith Ryan made public comment regarding the filing of a complaint but did not discuss the details of the complaint. Dr.

Keith Ryan did consent to providing the Board with an update if additional action was taken on his license.

DISCUSSION REGARDING FUTURE MEETINGS:

The next meeting will be scheduled at a later date.

ADJOURNMENT

Motion by Gilbertson, seconded by Long, to adjourn the meeting. Motion carried unanimously and the Board adjourned.

Approved on _____ day of _____, 2024.

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 and the Amended Agenda.