

Compilation of Conflict of Interest Disclosures for  
State Authorities, Boards and Commissions  
State Fiscal Year 2019

Prepared by the Department of Legislative Audit  
September 2019



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MARTIN L. GUINDON, CPA  
AUDITOR GENERAL

September 12, 2019

To: Government Operations and Audit Committee Members

From: Martin L. Guindon, Auditor General

RE: State Authorities, Boards and Commissions Conflict of Interest Disclosures

This document compiles minutes and other documents containing disclosures required of members of certain State authorities, boards and commissions by SDCL Chapter 3-23.

HB 1170 of the 2017 legislative session revised the conflict of interest disclosure requirements for members of certain State authorities, boards and commissions. SDCL 3-23-3.1 requires these members to make an annual disclosure of any interest in a contract or direct benefit covered by SDCL Chapter 3-23 and to disclose ownership interest of five percent or greater in any entity that receives grant money from the State or that contracts with the State or any political subdivision for services. This law requires that the Auditor-General compile and present the annual disclosures for review by the Government Operations and Audit Committee.

SDCL 3-23-3 allows State authorities, boards and commissions to authorize its members to receive direct benefit from contracts under certain circumstances. Authorizations for direct benefit that are granted pursuant to this statute are to be filed with the Attorney General and Auditor-General. The Auditor-General is to compile these authorizations and present them annually for review by the Government Operations and Audit Committee.

Following this memorandum is a Table of Contents that is linked to the various disclosures we received from the authorities, boards and commissions.

## **State Boards and Commissions Conflict of Interest Disclosures – SFY 2019**

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ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER  
PURSUANT TO SDCL CHAPTER 3-23

**THIS IS A PUBLIC DOCUMENT**

Name of Member: Christopher Funk

Name of Board, Authority or Commission: SD Aeronautics Commission

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

- 1) With the state agency to which the Member's board, authority or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
- 2) With the state and which contract requires the approval of the Member's board, authority or commission and the expenditure of government funds; or
- 3) With a political subdivision of the state if the political subdivision approves the contract and:
  - a. Is under the regulatory oversight of the authority, board, or commission, or
  - b. Is under the regulatory oversight of the agency to which the Member's board, authority or commission is attached.

The Member shall disclose the contract even though no additional authorization is needed from the Member's board, authority or commission to have an interest or derive a benefit from the contract.

The Member shall also identify every entity in which the Member possesses an ownership interest of five percent or greater if:

- 1) The entity receives grant money from the State, either directly or by a pass-through grant or 2)  
The entity contracts with the State or any political subdivision for services.

**RECEIVED**

JUN 11 2019

**LEGISLATIVE AUDIT**

**Exhibit A**

1. **Contracts in which you have an interest pursuant to SDCL Chapter 3-23 and which do not violate any other provision of law** - Provide the following for each contract in which you have, or will have, an interest. For further information see SDCL 3-232.1 and 3-23-3.1.

Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed, if applicable

*Attach additional pages, if necessary.*

2. **Contracts in which you have a direct benefit pursuant to SDCL Chapter 3-23** - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized
Land Lease	Brookings SD Airport Christopher Funk	4096 Q FT Land Lease	2014
Employee of SDSU	SDSU Christopher Funk	Employed by SDSU	September 2011 - present

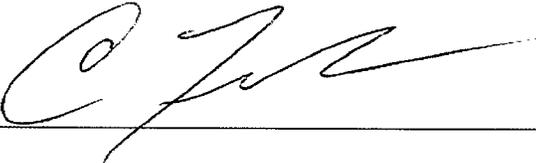
Attach additional pages, if necessary.

3. **Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services** – Provide the following for each such entity. See SDCL 3-23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision

Attach additional pages, if necessary.

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.

Signature of Member:  Date: 7-1-2018

STATE OF SOUTH DAKOTA

South Dakota Aeronautics Commission

REQUEST FOR STATE BOARD WAIVER  
PURSUANT TO SDCL CHAPTER 3-23  
**THIS IS A PUBLIC DOCUMENT**

Date: 7/1/2018

Name of Board Member or Former Board Member: Christopher Funk

Name of Board, Authority or Commission: South Dakota Aeronautics Commission

Brief explanation of contract for which a waiver is requested:

a) Parties to the contract:

Brookings SD (KBKX) Airport  
Christopher Funk

b) Board Member's role in the contract:

Owner of Hangar on Leased land

c) Purpose and objective of the contract:

Lease Land under hangar building at the Brookings SD Airport (KBKX)

d) Consideration or benefit conferred or agreed to be conferred upon each party

Lease is \$ 491.52 / year

e) Duration of the contract

2017 – On Going

Signature of Requesting Party: \_\_\_\_\_



Christopher Funk

Date 7/1/2018

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JUN 11 2019

**LEGISLATIVE AUDIT**

STATE OF SOUTH DAKOTA

South Dakota Aeronautics Commission

REQUEST FOR STATE BOARD WAIVER  
PURSUANT TO SDCL CHAPTER 3-23  
**THIS IS A PUBLIC DOCUMENT**

Date: 7/1/2018

Name of Board Member or Former Board Member: Christopher Funk

Name of Board, Authority or Commission: South Dakota Aeronautics Commission

Brief explanation of contract for which a waiver is requested:

a) Parties to the contract:

South Dakota State University  
Christopher Funk

b) Board Member's role in the contract:

Employed by South Dakota State University

c) Purpose and objective of the contract:

Employed by South Dakota State University

d) Consideration or benefit conferred or agreed to be conferred upon each party

Annual salary: \$64,584

e) Duration of the contract

2017 – On Going

Signature of Requesting Party: \_\_\_\_\_



Christopher Funk

Date 7/1/2018

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JUN 11 2019

**LEGISLATIVE AUDIT**

1. **Contracts in which you have an interest pursuant to SDCL Chapter 3-23 and which do not violate any other provision of law** - Provide the following for each contract in which you have, or will have, an interest. For further information see SDCL 3-23-2.1 and 3-23-3.1.

Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed, if applicable
Hansen Building <u>LAND</u> lease at Pierre AIRPORT 238 <sup>00</sup> /yr Total I have 50% = 369 <sup>00</sup> /yr	City of Pierre + Dave Luens + (PTAS) Jim Peltz JOINT OWNERS	Lessee	9-26-17

Attach additional pages, if necessary.

2. **Contracts in which you have a direct benefit pursuant to SDCL Chapter 3-23** - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized

Attach additional pages, if necessary.

3. Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services – Provide the following for each such entity. See SDCL 3-23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision
	N/A	

*Attach additional pages, if necessary.*

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.

Signature of Member:     Dave Lewis     Date:     6-26-18

# State Authorities/Boards/Commissions - Annual Disclosure Form

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER  
PURSUANT TO SDCL CHAPTER 3-23

**RECEIVED**  
**OCT 26 2018**  
**SD DIVISION OF BANKING**

**THIS IS A PUBLIC DOCUMENT**

Name of Member:

Name of Board, Authority or Commission:

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

1. With the state agency to which the Member's board, authority or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
2. With the state and which contract requires the approval of the Member's board, authority or commission and the expenditure of government funds; or
3. With a political subdivision of the state if the political subdivision approves the contract and:
  - a. Is under the regulatory oversight of the authority, board, or commission, or
  - b. Is under the regulatory oversight of the agency to which the Member's board, authority or commission is attached.

The Member shall disclose the contract even though no additional authorization is needed from the Member's board, authority or commission to have an interest or derive a benefit from the contract.

The Member shall also identify every entity in which the Member possesses an ownership interest of five percent or greater if:

1. The entity receives grant money from the State, either directly or by a pass-through grant or
2. The entity contracts with the State or any political subdivision for services.

1. Contracts in which you have an interest pursuant to SDCL Chapter 3-23 and which do not violate any other provision of law - Provide the following for each contract in which you have, or will have, an interest. For further information see SDCL 3-23-2.1 and 3-23-3.1.

Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed; if applicable
none			

add row

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**NOV 28 2018**  
**LEGISLATIVE AUDIT**

2. Contracts in which you have a direct benefit pursuant to SDCL Chapter 3-23 - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized
none			

add row

3. Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services – Provide the following for each such entity. See SDCL 3-23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision
none		

add row

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.

Signature of Member: C. Douglas Balven

Date: 10-25-18

# State Authorities/Boards/Commissions - Annual Disclosure Form

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER  
PURSUANT TO SDCL CHAPTER 3-23

**THIS IS A PUBLIC DOCUMENT**

Name of Member: Jeff Erickson

Name of Board, Authority or Commission:

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

1. With the state agency to which the Member's board, authority or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
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3. With a political subdivision of the state if the political subdivision approves the contract and:
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Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed; if applicable
none			

[add row](#)

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LEGISLATIVE AUDIT

contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized
none			

add row

3. Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services – Provide the following for each such entity. See SDCL 3-23-3.1.

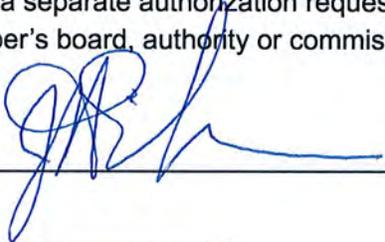
Description of the contract or grant	Party in which you possess the interest	State agency or subdivision
none		

add row

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.

Signature of Member: \_\_\_\_\_

Date: 11/21/18



# State Authorities/Boards/Commissions - Annual Disclosure Form

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER  
PURSUANT TO SDCL CHAPTER 3-23

**THIS IS A PUBLIC DOCUMENT**

Name of Member: John E. Johnson

Name of Board, Authority or Commission: South Dakota Banking Commission

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

1. With the state agency to which the Member's board, authority or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
2. With the state and which contract requires the approval of the Member's board, authority or commission and the expenditure of government funds; or
3. With a political subdivision of the state if the political subdivision approves the contract and:
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Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed; if applicable
none			

add row

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NOV 28 2018  
LEGISLATIVE AUDIT

2. Contracts in which you have a direct benefit pursuant to SDCL Chapter 3-23 - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized
none			

add row

3. Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services – Provide the following for each such entity. See SDCL 3-23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision
none		

add row

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.

Signature of Member: 

Date: 10/26/18

# State Authorities/Boards/Commissions - Annual Disclosure Form

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OCT 26 2018  
SD DIVISION OF BANKING

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER  
PURSUANT TO SDCL CHAPTER 3-23

**THIS IS A PUBLIC DOCUMENT**

Name of Member: Richard Westra

Name of Board, Authority or Commission: South Dakota Banking Commission

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

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Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed; if applicable
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add row

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NOV 28 2018  
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none			

add row

3. Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services – Provide the following for each such entity. See SDCL 3-23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision
none		

add row

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.

Signature of Member: 

Date: 10/24/18

# State Authorities/Boards/Commissions - Annual Disclosure Form

RECEIVED

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER  
PURSUANT TO SDCL CHAPTER 3-23

NOV 02 2018  
SD DIVISION OF BANKING

**THIS IS A PUBLIC DOCUMENT**

Name of Member:

Name of Board, Authority or Commission:

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

1. With the state agency to which the Member's board, authority or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
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Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed; if applicable
none			

add row

RECEIVED  
NOV 28 2018  
LEGISLATIVE AUDIT

contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized
none			

add row

3. Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services – Provide the following for each such entity. See SDCL 3-23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision
none		

add row

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.

Signature of Member: Stephen K Hayes

Date: October 30-2018

# State Authorities/Boards/Commissions - Annual Disclosure Form

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER  
PURSUANT TO SDCL CHAPTER 3-23

**THIS IS A PUBLIC DOCUMENT**

Name of Member:

Name of Board, Authority or Commission:

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

1. With the state agency to which the Member's board, authority or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
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1. Contracts in which you have an interest pursuant to SDCL Chapter 3-23 and which do not violate any other provision of law - Provide the following for each contract in which you have, or will have, an interest. For further information see SDCL 3-23-2.1 and 3-23-3.1.

Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed; if applicable

add row

2. Contracts in which you have a direct benefit pursuant to SDCL Chapter 3-23 - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized

add row

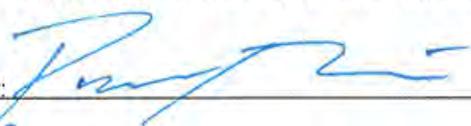
3. Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services – Provide the following for each such entity. See SDCL 3-23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision
There are no written contracts or agreements in place, however my business, Graham Tire, sells products and performs vehicle maintenance and repair services to state vehicles operated by numerous state agencies and universities located within close proximity to Graham Tire locations. These transactions are conducted in the regular course of business at the same prices offered to all customers.	Graham Tire Company	Numerous state agencies and universities operating state vehicles within close proximity to Graham Tire locations.

add row

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.

Signature of Member: \_\_\_\_\_



Date: \_\_\_\_\_

7-10-18

STATE OF SOUTH DAKOTA  
BOARD OF EDUCATION STANDARDS

STATE BOARD DISCLOSURE LAWS  
WAIVER AUTHORIZATION  
PURSUANT TO SDCL 3-23 (current member)

**THIS IS A PUBLIC DOCUMENT**

A written request for waiver dated April 29, 2019, was received from Becky Guffin.

The request was acted upon by the members of Board of Education Standards during a meeting held on May 20, 2019.

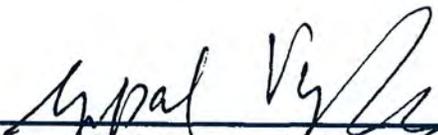
(check one)

The request for waiver was denied for the following reasons:

The request for waiver was authorized for the following reasons:

See attached minutes

The request for waiver was authorized subject to the following conditions:

  
\_\_\_\_\_  
Signature of Chairperson or Authorized Member

7/15/19  
\_\_\_\_\_  
Date

Printed Name: Gopal Vyas, Vice- President Board of Education Standards

Date sent to Auditor-General 7/17/19 Date sent to Attorney General 7/17/19

RECEIVED  
JUL 17 2019  
LEGISLATIVE AUDIT

STATE OF SOUTH DAKOTA  
BOARD OF EDUCATION STANDARDS

REQUEST FOR STATE BOARD WAIVER  
PURSUANT TO SDCL CHAPTER 3-23

**THIS IS A PUBLIC DOCUMENT**

Date: April 29, 2019

Name of Board Member or Former Board Member: Dr. Becky Guffin

Name of Board, Authority or Commission: Board of Education Standards

Brief explanation of contract for which a waiver is requested:

a) Parties to the contract

*Dr. Becky Guffin and the Aberdeen School District 6-1, a political subdivision on the State of South Dakota.*

b) Board Member's role in the contract

*I am a party to an employment contract with Aberdeen School District to serve as superintendent of the Aberdeen School District.*

c) Purpose and objective of the contract

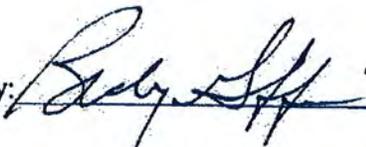
*The purpose and objective of the contract is to provide superintendent services to the Aberdeen School District for a one-year period.*

d) Consideration or benefit conferred or agreed to be conferred upon each party

*Salary of \$153,428.00 and benefits to provide superintendent services to Aberdeen School District.*

e) Duration of the contract

*July 1, 2019 to June 30, 2022*

Signature of Requesting Party: 

Date

4-29-19

RECEIVED

JUL 17 2019

LEGISLATIVE AUDIT

# State Authorities/Boards/Commissions - Annual Disclosure Form

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER  
PURSUANT TO SDCL CHAPTER 3-23

**THIS IS A PUBLIC DOCUMENT**

Name of Member: Dr. Becky Guffin

Name of Board, Authority or Commission: South Dakota Board of Education Standards

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

1. With the state agency to which the Member's board, authority or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
2. With the state and which contract requires the approval of the Member's board, authority or commission and the expenditure of government funds; or
3. With a political subdivision of the state if the political subdivision approves the contract and:
  - a. Is under the regulatory oversight of the authority, board, or commission, or
  - b. Is under the regulatory oversight of the agency to which the Member's board, authority or commission is attached.

The Member shall disclose the contract even though no additional authorization is needed from the Member's board, authority or commission to have an interest or derive a benefit from the contract.

The Member shall also identify every entity in which the Member possesses an ownership interest of five percent or greater if:

1. The entity receives grant money from the State, either directly or by a pass-through grant or
2. The entity contracts with the State or any political subdivision for services.

provision of law - Provide the following for each contract in which you have, or will have, an interest. For further information see SDCL 3-23-2.1 and 3-23-3.1.

Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed; if applicable
2019 Consolidated Grant Application/ Agreement: Title I-Part A, Title II-Part A, Title IV-Part A, and Title I-Part D funds (FY2019 award approx. \$1,155,045)	Aberdeen School District 6-1 and the South Dakota Department of Education (SD DOE)	Grant agreement between employer and the SD DOE, which is attached to the Board of Education Standards for certain reporting and/or oversight purposes.	January 15, 2018 (disclosure of prior year's grant for funds under the same programs)
2019 IDEA Grant Application/ Agreement: sections 611 and 619 funds (FY2019 award approx. \$1,175,105)	Aberdeen School District 6-1 and the South Dakota Department of Education (SD DOE)	Grant agreement between employer and the SD DOE, which is attached to the Board of Education Standards for certain reporting and/or oversight purposes.	January 15, 2018 (disclosure of prior year's grant for funds under the same programs)
2019 Carl Perkins Grant Application/ Agreement: Perkins program funds (FY2019 award approx. \$70,750)	Aberdeen School District 6-1 and the South Dakota Department of Education (SD DOE)	Grant agreement between employer and the SD DOE, which is attached to the Board of Education Standards for certain reporting and/or oversight purposes.	January 15, 2018 (disclosure of prior year's grant for funds under the same programs)
2019 National School Nutrition Program Grant Application/ Agreement: school breakfast, school lunch, commodities, etc. (FY2019 allocation unknown, funds distributed on a reimbursement basis)	Aberdeen School District 6-1 and the South Dakota Department of Education (SD DOE)	Grant agreement between employer and the SD DOE, which is attached to the Board of Education Standards for certain reporting and/or oversight purposes.	January 15, 2018 (disclosure of prior year's grant for funds under the same programs)
Agreement to provide new teacher mentoring services. The service under the contract will not exceed \$65,898 and will last from approximately August 1, 2018, to June 30, 2019. (contract number not assigned yet)	Aberdeen School District 6-1 and the South Dakota Department of Education (SD DOE)	Grant agreement between employer and the SD DOE, which is attached to the Board of Education Standards for certain reporting and/or oversight purposes.	January 15, 2018 (disclosure of prior year's contract for same services)

		interest/role in the contract	previously disclosed; if applicable

add row

contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized
Employment contract to serve as superintendent for Aberdeen School District 6-1, from July 1, 2017 to June 30, 2020.	Dr. Becky Guffin and Aberdeen School District 6-1	Receive salary and benefits to provide superintendent services to Aberdeen School District, a political subdivision of the State of South Dakota.	January 26, 2018 (waiver request authorized)

add row

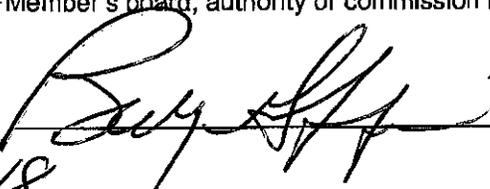
3. Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services – Provide the following for each such entity. See SDCL 3-23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision

add row

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.

Signature of Member:



Date:

7-16-18

# State Authorities/Boards/Commissions - Annual Disclosure Form

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER  
PURSUANT TO SDCL CHAPTER 3-23

**THIS IS A PUBLIC DOCUMENT**

Name of Member: Gopal Vyas

Name of Board, Authority or Commission: South Dakota Board of Education Standards

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

1. With the state agency to which the Member's board, authority or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
2. With the state and which contract requires the approval of the Member's board, authority or commission and the expenditure of government funds; or
3. With a political subdivision of the state if the political subdivision approves the contract and:
  - a. Is under the regulatory oversight of the authority, board, or commission, or
  - b. Is under the regulatory oversight of the agency to which the Member's board, authority or commission is attached.

The Member shall disclose the contract even though no additional authorization is needed from the Member's board, authority or commission to have an interest or derive a benefit from the contract.

The Member shall also identify every entity in which the Member possesses an ownership interest of five percent or greater if:

1. The entity receives grant money from the State, either directly or by a pass-through grant or
2. The entity contracts with the State or any political subdivision for services.

1. Contracts in which you have an interest pursuant to SDCL Chapter 3-23 and which do not violate any other provision of law - Provide the following for each contract in which you have, or will have, an interest. For further information see SDCL 3-23-2.1 and 3-23-3.1.

Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed; if applicable
No disclosures			

add row

2. Contracts in which you have a direct benefit pursuant to SDCL Chapter 3-23 - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized
No disclosures			

add row

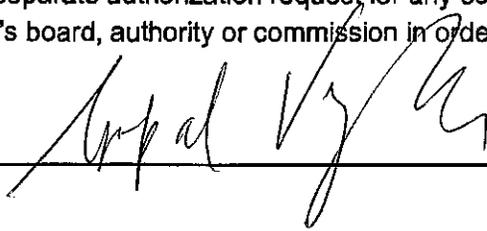
State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services  
– Provide the following for each such entity. See SDCL 3-23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision
No disclosures		

add row

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.

Signature of Member: \_\_\_\_\_



Date: 7/15/2018

# State Authorities/Boards/Commissions - Annual Disclosure Form

**ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER  
PURSUANT TO SDCL CHAPTER 3-23**

**THIS IS A PUBLIC DOCUMENT**

Name of Member: Jacqueline Sly

Name of Board, Authority or Commission: South Dakota Board of Education Standards

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

1. With the state agency to which the Member's board, authority or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
2. With the state and which contract requires the approval of the Member's board, authority or commission and the expenditure of government funds; or
3. With a political subdivision of the state if the political subdivision approves the contract and:
  - a. Is under the regulatory oversight of the authority, board, or commission, or
  - b. Is under the regulatory oversight of the agency to which the Member's board, authority or commission is attached.

The Member shall disclose the contract even though no additional authorization is needed from the Member's board, authority or commission to have an interest or derive a benefit from the contract.

The Member shall also identify every entity in which the Member possesses an ownership interest of five percent or greater if:

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1. Contracts in which you have an interest pursuant to SDCL Chapter 3-23 and which do not violate any other provision of law - Provide the following for each contract in which you have, or will have, an interest. For further information see SDCL 3-23-2.1 and 3-23-3.1.

Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed; if applicable
No disclosures			

add row

2. Contracts in which you have a direct benefit pursuant to SDCL Chapter 3-23 - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized
No disclosures			

add row

State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services  
- Provide the following for each such entity. See SDCL 3-23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision
No disclosures		

add row

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.

Signature of Member:     *Jaqueline Sly*    

Date:     7-12-2018

# State Authorities/Boards/Commissions - Annual Disclosure Form

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER  
PURSUANT TO SDCL CHAPTER 3-23

**THIS IS A PUBLIC DOCUMENT**

Name of Member: Kay Schallenkamp

Name of Board, Authority or Commission: South Dakota Board of Education Standards

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

1. With the state agency to which the Member's board, authority or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
2. With the state and which contract requires the approval of the Member's board, authority or commission and the expenditure of government funds; or
3. With a political subdivision of the state if the political subdivision approves the contract and:
  - a. Is under the regulatory oversight of the authority, board, or commission, or
  - b. Is under the regulatory oversight of the agency to which the Member's board, authority or commission is attached.

The Member shall disclose the contract even though no additional authorization is needed from the Member's board, authority or commission to have an interest or derive a benefit from the contract.

The Member shall also identify every entity in which the Member possesses an ownership interest of five percent or greater if:

1. The entity receives grant money from the State, either directly or by a pass-through grant or
2. The entity contracts with the State or any political subdivision for services.

1. Contracts in which you have an interest pursuant to SDCL Chapter 3-23 and which do not violate any other provision of law - Provide the following for each contract in which you have, or will have, an interest. For further information see SDCL 3-23-2.1 and 3-23-3.1.

Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed; if applicable
No disclosures			

add row

2. Contracts in which you have a direct benefit pursuant to SDCL Chapter 3-23 - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized
No disclosures			

add row

State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services  
– Provide the following for each such entity. See SDCL 3-23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision
No disclosures		

add row

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.

Signature of Member: Key Schallert

Date: July 15, 2018

# State Authorities/Boards/Commissions - Annual Disclosure Form

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER  
PURSUANT TO SDCL CHAPTER 3-23

**THIS IS A PUBLIC DOCUMENT**

Name of Member: Lori Wagner

Name of Board, Authority or Commission: South Dakota Board of Education Standards

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

1. With the state agency to which the Member's board, authority or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
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3. With a political subdivision of the state if the political subdivision approves the contract and:
  - a. Is under the regulatory oversight of the authority, board, or commission, or
  - b. Is under the regulatory oversight of the agency to which the Member's board, authority or commission is attached.

The Member shall disclose the contract even though no additional authorization is needed from the Member's board, authority or commission to have an interest or derive a benefit from the contract.

The Member shall also identify every entity in which the Member possesses an ownership interest of five percent or greater if:

1. The entity receives grant money from the State, either directly or by a pass-through grant or
2. The entity contracts with the State or any political subdivision for services.

provision of law - Provide the following for each contract in which you have, or will have, an interest. For further information see SDCL 3-23-2.1 and 3-23-3.1.

Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed; if applicable
2019A-071: Agreement to provide college readiness coursework to high school students. The service under the contract will not exceed \$50,000 and will last from approximately July 1, 2018, to June 30, 2019.	Northern State University and the South Dakota Department of Education (SD DOE)	Contract between employer and the SD DOE, which is attached to the Board of Education Standards for certain reporting and/or oversight purposes.	July 13, 2018; May 15, 2017 (previous versions of contracts for the same services)
2019A-075: Agreement to implement the South Dakota Mentoring Program. The service under the contract is approximately \$4,120.00 and will last from approximately July 9, 2018 to June 7, 2019.	Northern State University and the South Dakota Department of Education (SD DOE)	Contract between employer and the SD DOE, which is attached to the Board of Education Standards for certain reporting and/or oversight purposes.	n/a

add row

2. Contracts in which you have a direct benefit pursuant to SDCL Chapter 3-23 - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized

add row

State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services  
– Provide the following for each such entity. See SDCL 3-23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision

add row

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.

Signature of Member: *Leri J. Wagner*

Date: 7-16-18

# State Authorities/Boards/Commissions - Annual Disclosure Form

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER  
PURSUANT TO SDCL CHAPTER 3-23

**THIS IS A PUBLIC DOCUMENT**

Name of Member: Scott Herman

Name of Board, Authority or Commission: South Dakota Board of Education Standards

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

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2. With the state and which contract requires the approval of the Member's board, authority or commission and the expenditure of government funds; or
3. With a political subdivision of the state if the political subdivision approves the contract and:
  - a. Is under the regulatory oversight of the authority, board, or commission, or
  - b. Is under the regulatory oversight of the agency to which the Member's board, authority or commission is attached.

The Member shall disclose the contract even though no additional authorization is needed from the Member's board, authority or commission to have an interest or derive a benefit from the contract.

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1. The entity receives grant money from the State, either directly or by a pass-through grant or
2. The entity contracts with the State or any political subdivision for services.

provision of law - Provide the following for each contract in which you have, or will have, an interest. For further information see SDCL 3-23-2.1 and 3-23-3.1.

Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed; if applicable
2018G-CACFP66704: grant agreement to provide meals on a reimbursement basis to the Rosebud Head Start through the Child and Adult Care Food Program from 10/01/2017 to 9/30/2018	Rosebud Sioux Tribe and the South Dakota Department of Education-Child and Adult Nutrition Services (SD DOE-CANS)	Contract between employer and SD DOE-CANS, which is attached to the Board of Education Standards for certain reporting and/or oversight purposes.	Orally disclosed to Board on March 19, 2018.
Grant agreement to provide meals on a reimbursement basis through the Summer Food Service Program from 6/7/2018 to 8/17/2018. (contract number not assigned yet)	Rosebud Sioux Tribe and the South Dakota Department of Education-Child and Adult Nutrition Services (SD DOE-CANS)	Contract between employer and SD DOE-CANS), which is attached to the Board of Education Standards for certain reporting and/or oversight purposes.	July 17, 2017 (disclosure of prior year's grant for funds under the same programs)

add row

contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized

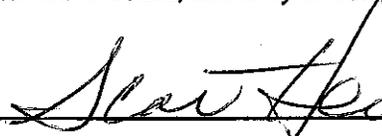
add row

3. Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services – Provide the following for each such entity. See SDCL 3-23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision

add row

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.

Signature of Member: 

Date: 7-16-18

# State Authorities/Boards/Commissions - Annual Disclosure Form

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER  
PURSUANT TO SDCL CHAPTER 3-23

**THIS IS A PUBLIC DOCUMENT**

Name of Member: Susan Aguilar

Name of Board, Authority or Commission: South Dakota Board of Education Standards

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

1. With the state agency to which the Member's board, authority or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
2. With the state and which contract requires the approval of the Member's board, authority or commission and the expenditure of government funds; or
3. With a political subdivision of the state if the political subdivision approves the contract and:
  - a. Is under the regulatory oversight of the authority, board, or commission, or
  - b. Is under the regulatory oversight of the agency to which the Member's board, authority or commission is attached.

The Member shall disclose the contract even though no additional authorization is needed from the Member's board, authority or commission to have an interest or derive a benefit from the contract.

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1. The entity receives grant money from the State, either directly or by a pass-through grant or
2. The entity contracts with the State or any political subdivision for services.

1. Contracts in which you have an interest pursuant to SDCL Chapter 3-23 and which do not violate any other provision of law - Provide the following for each contract in which you have, or will have, an interest. For further information see SDCL 3-23-2.1 and 3-23-3.1.

Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed; if applicable
No disclosures			

add row

2. Contracts in which you have a direct benefit pursuant to SDCL Chapter 3-23 - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized
No disclosures			

add row

State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services  
– Provide the following for each such entity. See SDCL 3-23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision
No disclosures		

add row

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.

Signature of Member: Susan K. Aguilar

Date: 7/16/18

STATE OF SOUTH DAKOTA

South Dakota Health and Educational Facilities Authority

STATE BOARD DISCLOSURE LAWS  
WAIVER AUTHORIZATION  
PURSUANT TO SDCL 3-23-3 (current member)

A written request for waiver of conflict, dated November 23, 2018, was received from Dave Fleck. The request was acted upon by the members of South Dakota Health and Educational Facilities Authority during a meeting held on November 28, 2018.

(check one)

The request for waiver was denied for the following reasons:

The request for waiver was authorized for the following reasons:

*Mr. Fleck has disclosed his potential conflict and has abstained from discussion and voting on the South Dakota Health and Educational Facilities Authority (the Authority) agenda item of allowing Sioux Falls School District to issue the Series 2018A bond issue through the Authority.*

The request for waiver was authorized subject to the following conditions:

William F Lynch 12/18/18  
Signature of Chairperson or Authorized Member or Executive Director Date

Printed Name: William Lynch

Date mailed to Auditor-General: \_\_\_\_\_

*Please complete this form, sign it and return to us prior to the meeting so we can include your waiver when we discuss it as an agenda item.*

REQUEST FOR STATE BOARD WAIVER

**THIS IS A PUBLIC DOCUMENT**

Date: November 23, 2018

Name of Board Member or Former Board Member: Dave Fleck

Name of Board, Authority or Commission: South Dakota Health and Educational Facilities Authority

**Brief explanation of your potential conflict of interest:**

I am the Chairman of the Board of Directors for Journey Construction. Journey Construction has submitted a response to a RFP for a Construction Manager for the Sioux Falls School District to build a new high school. Journey Construction is selling the Sioux Falls School District approximately 49 acres of land for the new high school.

The project will be financed by bonds issued by the school district but they intend to use the state aid intercept program administered by the South Dakota Health and Educational Facilities Authority ("SDHEFA"). I am a current member of the board of SDHEFA.

**Brief explanation of the current or anticipated business transaction with a State agency or with a political subdivision of the State and your role in the transaction:**

No transaction with a state agency or political subdivision will occur. Payment for work on the contract results from the issuance of bonds through a program administered by SDHEFA, a transaction that may be within the jurisdiction or subject matter of the SDHEFA.

**Brief explanation of the essential terms of the contract or transaction.**

Construction of a high school and other projects by the Sioux Falls School District. Journey Construction is negotiating a land sale and has submitted a RFP for the Construction Manager.

**Brief explanation of why you believe a waiver should be granted:**

The transaction is fair, reasonable, and not contrary to the public interest. Sioux Falls School District has received five RFPs for the Construction Manager position. SDHEFA will not be involved in the selection of the contractor for the project; the contract will be independently negotiated with Sioux Falls School District and I will not vote or participate in any decision by SDHEFA relative to the bonding for the project.

Signature of Person Requesting Waiver: \_\_\_\_\_



*Please complete this form, sign it and return to us prior to the meeting so we can include your waiver when we discuss it as an agenda item.*

REQUEST FOR STATE BOARD WAIVER

**THIS IS A PUBLIC DOCUMENT**

Date: April 24, 2019

Name of Board Member or Former Board Member: Dave Timpe

Name of Board, Authority or Commission: South Dakota Health and Educational Facilities Authority

**Brief explanation of your potential conflict of interest:**

I am an Audit Committee member and stockholder with Fishback Financial Corporation and Board member of First Bank and Trust in Sioux Falls.

**Brief explanation of the current or anticipated business transaction with a State agency or with a political subdivision of the State and your role in the transaction:**

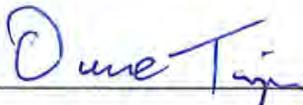
Andes Central School District had financing through First Bank and Trust in Brookings in 2017.

**Brief explanation of the essential terms of the contract or transaction.**

Andes Central is refinancing the 2017 construction loan for a 70,000 square-foot high school and remodeling of an elementary school with a 2019 loan that will replace the existing loan with First Bank and Trust in Brookings.

**Brief explanation of why you believe a waiver should be granted:**

The transaction is fair, reasonable, and not contrary to the public interest. I will not vote or participate in any decision by SDHEFA relative to the bonding for the project.

Signature of Person Requesting Waiver: 

STATE OF SOUTH DAKOTA

South Dakota Health and Educational Facilities Authority

STATE BOARD DISCLOSURE LAWS  
WAIVER AUTHORIZATION  
PURSUANT TO SDCL 3-23-3 (current member)

A written request for waiver of conflict, dated April 24, 2019, was received from Dave Timpe. The request was acted upon by the members of South Dakota Health and Educational Facilities Authority during a meeting held on April 24, 2019.

(check one)

The request for waiver was denied for the following reasons:

The request for waiver was authorized for the following reasons:

***Mr. Timpe has disclosed his potential conflict and has abstained from discussion and voting on the South Dakota Health and Educational Facilities Authority (the Authority) agenda item of allowing Andes Central School District to refinance the Series 2017 bond issue through the Andes Central School District.***

The request for waiver was authorized subject to the following conditions:

 5/16/2019  
Signature of Chairperson or Authorized Member Date

Printed Name: Norbert Schade

Date mailed to Auditor-General: 5/28/2019

*Please complete this form, sign it and return to us prior to the meeting so we can include your waiver when we discuss it as an agenda item.*

REQUEST FOR STATE BOARD WAIVER

**THIS IS A PUBLIC DOCUMENT**

Date: 2/4/2019

Name of Board Member or Former Board Member: Dave Timpe

Name of Board, Authority or Commission:  
South Dakota Health and Educational Facilities Authority "SDHEFA"

**Brief explanation of your potential conflict of interest:**

I am a member of the Avera Health Plans Board and Finance Committee, and Avera Health (an affiliate of Avera Health Plans Board and Finance Committee) has a matter described below which will be pending in front of the members of the SDHEFA for which I also serve as a member.

**Brief explanation of the current or anticipated business transaction with a State agency or with a political subdivision of the State and your role in the transaction:**

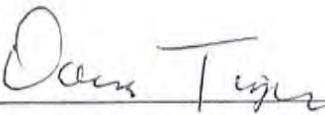
The SDHEFA will be considering an Avera Health Fifth Supplemental Master Trust Indenture.

**Brief explanation of the essential terms of the contract or transaction:**

The Avera Health Fifth Supplemental Master Trust Indenture will provide for the issuance of an obligation of the Avera Health Obligated Group securing amounts due under a Guarantee of a Reimbursement Agreement related to a letter of credit benefitting an affiliate of Avera Health issued by U.S. Bank National Association.

**Brief explanation of why you believe a waiver should be granted:**

It is in the best interests of Avera Health and the citizens of the State of South Dakota that the transaction be completed to assure the ability to issue the letter of credit in conjunction with federal Medicare requirements which will allow advantageous participation in the Medicare program by Avera Health and its affiliates as well as continued favorable borrowing rates for, and in turn lower costs to, Avera Health, which promotes the purposes of the SDHEFA. I have opted to abstain from discussion and vote. This proposed business transaction is fair, reasonable, and not contrary to the public interest.

Signature of Person Requesting Waiver: 

STATE OF SOUTH DAKOTA

South Dakota Health and Educational Facilities Authority

STATE BOARD DISCLOSURE LAWS  
WAIVER AUTHORIZATION  
PURSUANT TO SDCL 3-23-3 (current member)

A written request for waiver of conflict, dated February 4, 2019, was received from Dave Timpe. The request was acted upon by the members of South Dakota Health and Educational Facilities Authority during a meeting held on February 19, 2019. (check one)

The request for waiver was denied for the following reasons:

The request for waiver was authorized for the following reasons:

*Mr. Timpe has disclosed his potential conflict and has abstained from discussion and voting on the South Dakota Health and Educational Facilities Authority (the Authority) agenda item of the Authority's consideration of an Avera Health Fifth Supplemental Master Trust Indenture.*

The request for waiver was authorized subject to the following conditions:

William F. Lynch 2/21/19  
Signature of Chairperson or Authorized Member Date

Printed Name: William F. Lynch

Date mailed to Auditor-General: 2/21/2019

*Please complete this form, sign it and return to us prior to the meeting so we can include your waiver when we discuss it as an agenda item.*

REQUEST FOR STATE BOARD WAIVER

**THIS IS A PUBLIC DOCUMENT**

Date: 7-10-2018

Name of Board Member or Former Board Member: Dave Timpe

Name of Board, Authority or Commission: South Dakota Health and Educational Facilities Authority

Brief explanation of your potential conflict of interest:

I'm a retired partner from Eide Bailly. A South Dakota Health and Educational Facilities Authority (the Authority) agenda item is to review the Eide Bailly audit fee proposal.

Brief explanation of the current or anticipated business transaction with a State agency or with a political subdivision of the State and your role in the transaction:

I am a board member of the Authority and am a retired partner from Eide Bailly.

Brief explanation of the essential terms of the contract or transaction.

The Authority has a current contract with Eide Bailly to perform the annual audit.

Brief explanation of why you believe a waiver should be granted:

The Authority has used Eide Bailly for several years, and it is in the Authority's and public's best interest to consider having the firm perform the annual audit. I have opted to abstain from discussion and from voting on this agenda item.

Signature of Person Requesting Waiver: 

STATE OF SOUTH DAKOTA

South Dakota Health and Educational Facilities Authority

STATE BOARD DISCLOSURE LAWS  
WAIVER AUTHORIZATION  
PURSUANT TO SDCL 3-23-3 (current member)

A written request for waiver of conflict, dated July 10, 2018, was received from Dave Timpe. The request was acted upon by the members of South Dakota Health and Educational Facilities Authority during a meeting held on July 12, 2018.

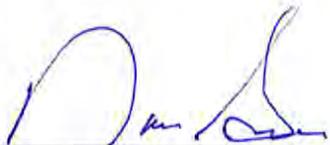
(check one)

The request for waiver was denied for the following reasons:

The request for waiver was authorized for the following reasons:

Mr. Timpe has disclosed his potential conflict and has abstained from discussion and voting on the South Dakota Health and Educational Facilities Authority (the Authority) agenda item of the Eide Bailly audit fee proposal.

The request for waiver was authorized subject to the following conditions:



7/12/2018  
Date

Signature of Chairperson or Authorized Member

Printed Name: Norbert Sebade

Date mailed to Auditor-General: 7-17-18

*Please complete this form, sign it and return to us prior to the meeting so we can include your waiver when we discuss it as an agenda item.*

REQUEST FOR STATE BOARD WAIVER

**THIS IS A PUBLIC DOCUMENT**

Date: 3/29/2019

Name of Board Member or Former Board Member: Dave Timpe

Name of Board, Authority or Commission:

South Dakota Health and Educational Facilities Authority "SDHEFA"

**Brief explanation of your potential conflict of interest:**

I am a member of the Avera Health Plans Board and Finance Committee, and Avera Health (an affiliate of Avera Health Plans Board and Finance Committee) has a matter described below which will be pending in front of the members of the SDHEFA for which I also serve as a member.

**Brief explanation of the current or anticipated business transaction with a State agency or with a political subdivision of the State and your role in the transaction:**

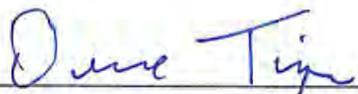
The SDHEFA will be considering an Avera Health Sixth Supplemental Master Trust Indenture.

**Brief explanation of the essential terms of the contract or transaction:**

The Avera Health Sixth Supplemental Master Trust Indenture allows for a loan with U.S. Bank National Association.

**Brief explanation of why you believe a waiver should be granted:**

It is in the best interests of Avera Health and the citizens of the State of South Dakota that the transaction be completed to assure continued favorable borrowing rates for, and in turn lower costs to, Avera Health, which promotes the purposes of the SDHEFA. I have opted to abstain from discussion and vote. This proposed business transaction is fair, reasonable, and not contrary to the public interest.

Signature of Person Requesting Waiver: 

STATE OF SOUTH DAKOTA

South Dakota Health and Educational Facilities Authority

STATE BOARD DISCLOSURE LAWS  
WAIVER AUTHORIZATION  
PURSUANT TO SDCL 3-23-3 (current member)

A written request for waiver of conflict, dated March 29, 2019, was received from Dave Timpe. The request was acted upon by the members of South Dakota Health and Educational Facilities Authority during a meeting held on April 24, 2019. (check one)

       The request for waiver was denied for the following reasons:

  X   The request for waiver was authorized for the following reasons:

***Mr. Timpe has disclosed his potential conflict and has abstained from discussion and voting on the South Dakota Health and Educational Facilities Authority (the Authority) agenda item of the Authority's consideration of an Avera Health Sixth Supplemental Master Trust Indenture.***

       The request for waiver was authorized subject to the following conditions:



Signature of Chairperson or Authorized Member

5/16/2019  
Date

Printed Name: Norbert Sebade

Date mailed to Auditor-General: 5/28/2019

STATE OF SOUTH DAKOTA

South Dakota Health and Educational Facilities Authority

STATE BOARD DISCLOSURE LAWS  
WAIVER AUTHORIZATION  
PURSUANT TO SDCL 3-23-3 (current member)

A written request for waiver of conflict, dated May 28, 2019, was received from Dave Timpe. The request was acted upon by the members of South Dakota Health and Educational Facilities Authority during a meeting held on June 19, 2019. (check one)

The request for waiver was denied for the following reasons:

The request for waiver was authorized for the following reasons:

***Mr. Timpe has disclosed his potential conflict and has abstained from discussion and voting on the South Dakota Health and Educational Facilities Authority (the Authority) agenda item of the Authority's consideration of an Avera Health partial release of land.***

The request for waiver was authorized subject to the following conditions:



6-19-19

Signature of Chairperson or Authorized Member

Date

Printed Name: Norbert Sebade

Date mailed to Auditor-General: 6-19-19

*Please complete this form, sign it and return to us prior to the meeting so we can include your waiver when we discuss it as an agenda item.*

REQUEST FOR STATE BOARD WAIVER  
**THIS IS A PUBLIC DOCUMENT**

Date: 5/28/2019

Name of Board Member or Former Board Member: Dave Timpe

Name of Board, Authority or Commission:

South Dakota Health and Educational Facilities Authority "SDHEFA"

**Brief explanation of your potential conflict of interest:**

I am a member of the Avera Health Plans Finance Committee. Avera Health (an affiliate of Avera Health Plans) has a matter described below which will be pending in front of the members of the SDHEFA for which I also serve as a member.

**Brief explanation of the current or anticipated business transaction with a State agency or with a political subdivision of the State and your role in the transaction:**

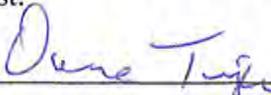
The SDHEFA will be considering the partial release of a small portion (10,065 square feet out of a 396,786 square foot site) of undeveloped property related to the development of public works infrastructure on 69<sup>th</sup> Street by the City of Sioux Falls, which is presently encumbered by the Avera McKennan Mortgage securing Avera Health's outstanding Master Indenture Notes. Such release will be accomplished under and in compliance with the Avera McKennan Mortgage in return for the contribution to the Master Trustee for the benefit of the outstanding Noteholders of cash equal to the fair market value of the property being released.

**Brief explanation of the essential terms of the contract or transaction:**

Avera McKennan has been required to contribute a small parcel of property to the City of Sioux Falls for the development of public infrastructure related to the 69<sup>th</sup> Street development currently being undertaken by Avera McKennan. The subject parcel is presently encumbered by the Avera McKennan Mortgage securing Avera Health's outstanding Master Indenture Notes. Such release will be accomplished under and in compliance with the Avera McKennan Mortgage in return for the contribution to the Master Trustee for the benefit of the outstanding Noteholders of cash equal to the fair market value of the property being released as determined by an independent appraisal of such parcel. In addition, the public works to be constructed on this parcel will permit the development of the parcel by Avera McKennan in the manner contemplated by its original plans and will protect the health and welfare of the citizens of the City of Sioux Falls and the State of South Dakota by assuring proper and safe flow of traffic in the development.

**Brief explanation of why you believe a waiver should be granted:**

It is in the best interests of Avera Health, the City of Sioux Falls, the outstanding Master Indenture Noteholders and the citizens of the State of South Dakota that the transaction be completed to promote the health and welfare of the citizens of the State of South Dakota. All transaction requirements must be carried out in compliance with the outstanding Avera McKennan Mortgage as judged by the SDHEFA and the Master Trustee. I have opted to abstain from discussion and vote. This proposed business transaction is fair, reasonable, and not contrary to the public interest.

Signature of Person Requesting Waiver: 

*Please complete this form, sign it and return to us prior to the meeting so we can include your waiver when we discuss it as an agenda item.*

REQUEST FOR STATE BOARD WAIVER

**THIS IS A PUBLIC DOCUMENT**

Date: 7/12/18

Name of Board Member or Former Board Member: Roberta Ambur

Name of Board, Authority or Commission: South Dakota Health and Educational Facilities Authority

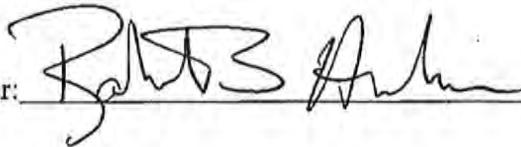
Brief explanation of your potential conflict of interest: I am an employee of the University of South Dakota and thus may have a conflict of interest in the matter described below with reference to Lake Area Technical Institute.

Brief explanation of the current or anticipated business transaction with a State agency or with a political subdivision of the State and your role in the transaction: The SDHEFA will be considering approval of a cash transfer to Lake Area Technical Institute Healthcare Learning Center at an estimated range of \$2 million to \$2.5 million.

Brief explanation of the essential terms of the contract or transaction. This transfer of funds to Lake Area Technical Institute is to help fund a 26,000 square foot wing and renovate the 29,000 square foot building.

Brief explanation of why you believe a waiver should be granted: Being in the public education business, I am not sure why this would not go through legislative approval as all building do for the university system as well. Since I am a new member and this will be my first meeting, I have been in no discussions with this item nor understand what other projects have been considered that this one rises to the top. I have no doubt labs need updating as they become quickly outdated with changes in technology and processes.

Signature of Person Requesting Waiver: \_\_\_\_\_



STATE OF SOUTH DAKOTA

South Dakota Health and Educational Facilities Authority

STATE BOARD DISCLOSURE LAWS  
WAIVER AUTHORIZATION  
PURSUANT TO SDCL 3-23-3 (current member)

A written request for waiver of conflict, dated July 12, 2018, was received from Roberta Ambur. The request was acted upon by the members of South Dakota Health and Educational Facilities Authority during a meeting held on July 12, 2018.

(check one)

The request for waiver was denied for the following reasons:

The request for waiver was authorized for the following reasons:

Ms. Ambur has disclosed her potential conflict and has abstained from discussion and voting on the South Dakota Health and Educational Facilities Authority (the Authority) agenda item of the Authority's consideration of approving a potential cash transfer to Lake Area Technical Institute Healthcare Learning Center.

The request for waiver was authorized subject to the following conditions:



7/12/2018  
Date

Signature of Chairperson or Authorized Member

Printed Name: Norbert Sebade

Date mailed to Auditor-General: 7-17-18



**SOUTH DAKOTA 9-1-1 COORDINATION BOARD**

**MEETING MINUTES FOR APRIL 29, 2019**

**VIA TELECONFERENCE**

**Board members present:** Brown, Bryan, DeNeui, Harding (joined late), Kippley (joined late), Littau, McPeek, Miller, Mundahl, Ruffledt, Serr

**Board Members Absent:**

**Staff Present:** Maria King (NG911 Project Manager)

**Others present:** Jenna Howell (DPS), Arin Diedrich (DPS), Dawn Hill (DPS), Paul Bachand, Mary Ehram (Solacom), Mark Grady (INdigital), Ryan Wineteer (Hamilton)

**I. Call to Order and Roll Call**

The meeting was called to order at 9:00AM Central Time by McPeek. Roll call was taken and a quorum was present.

**II. Adoption of Agenda**

Motion to approve the meeting agenda with a change to add item B *Consulting Contract* under Item VI Other Business.

Moved by: Littau           Seconded by: DeNeui

Discussion: None

Vote: 9 yeas, 0 nays. Motion carried unanimously.

**III. Approval of Meeting Minutes**

Motion to approve the March 5, 2019 meeting minutes with the striking "McPeek said this sounds like a lot of money and is afraid they won't be getting enough bang for their buck" in item B under number VI Other Business.

Moved by: Ruffledt       Seconded by: Bryan

Discussion: None

Vote: 9 yeas, 0 nays. Motion carried unanimously.

**IV. NG911 Project Update**

**A. Executive Session per SDCL 1-25-2 (3)**

Motion to go into Executive Session to consult with legal counsel about possible litigation and contractual matters per SDCL 1-25-2 (3). Including board members, staff (Maria, Jenna, Dawn, Arin), and Paul Bachand.

Moved by: Miller           Seconded by: DeNeui

Discussion: None

Roll Call Vote: 9 yeas, 0 nays. Motion carried unanimously.

The board went into executive session at 9:13AM Central Time. The board came out of executive session at 9:53AM Central Time. Rejoined original conference bridge and resumed meeting at 9:55AM.

- B. RFP Review Committee  
Maria King reported there were 7 responses to the RFP and that the review process continues.

#### **V. Condition Statement and Collections Report**

The most recent condition statement and collections report were provided. Amounts are in line with what we have seen in past months. No further discussion.

#### **VI. Other Business**

- A. Next regularly scheduled meeting was scheduled for June 13. Due to conflicts, this meeting will need to be rescheduled. King will work with board members to find a suitable date.
  
- B. Consulting Contract – King mentioned that PSAP compliance audits are due. With Shawnie Rechtenbaugh’s recent permanent appointment as Secretary for the South Dakota Department of Human Services, she will not be able to complete these audits as the State 911 Coordinator. King proposed a consulting contract with Marlene Haines to complete the four audits that are due and train King on how to complete the audits. She proposed an hourly rate of \$30 plus state rate per diem and lodging for any travel expenses/reimbursement. Total of the contract would not exceed \$7,500 for one year beginning May 1, 2019.  
Howell advised because Haines is a former board member who has not been off the board for a period of longer than one year, the board will have to meet the requirements of the conflict of interest exemption in SDCL 3-23-4 Circumstances under which authority, board, or commission may contract with former member.

Motion to approve consulting contract with Marlene Haines to help conduct PSAP compliance audits and train Maria King in completion of said audits as the board has determined the terms of the contract are fair, reasonable, and are in the best interests of the public.

Moved by: Ruffledt                      Seconded by: Bryan  
Discussion: None  
Roll Call Vote: 11 yeas, 0 nays. Motion carried unanimously.

#### **VII. Public Comment**

There was no public comment.

#### **VIII. Adjourn**

Motion to adjourn the meeting.  
Moved by: Serr                      Seconded by: Miller  
Discussion: None  
Vote: 11 yeas, 0 nays. Motion Carried unanimously. Meeting adjourned at 10:11AM Central Time.

# State Authorities/Boards/Commissions - Annual Disclosure Form

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER  
PURSUANT TO SDCL CHAPTER 3-23

**THIS IS A PUBLIC DOCUMENT**

Name of Member: Mark Puetz

Name of Board, Authority or Commission: South Dakota Housing Development Authority

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

1. With the state agency to which the Member's board, authority or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
2. With the state and which contract requires the approval of the Member's board, authority or commission and the expenditure of government funds; or
3. With a political subdivision of the state if the political subdivision approves the contract and:
  - a. Is under the regulatory oversight of the authority, board, or commission, or
  - b. Is under the regulatory oversight of the agency to which the Member's board, authority or commission is attached.

The Member shall disclose the contract even though no additional authorization is needed from the Member's board, authority or commission to have an interest or derive a benefit from the contract.

The Member shall also identify every entity in which the Member possesses an ownership interest of five percent or greater if:

1. The entity receives grant money from the State, either directly or by a pass-through grant or
2. The entity contracts with the State or any political subdivision for services.

1. Contracts in which you have an interest pursuant to SDCL Chapter 3-23 and which do not violate any other provision of law - Provide the following for each contract in which you have, or will have, an interest. For further information see SDCL 3-23-2.1 and 3-23-3.1.

Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed; if applicable

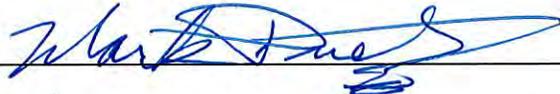
2. Contracts in which you have a direct benefit pursuant to SDCL Chapter 3-23 - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized

3. Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services – Provide the following for each such entity. See SDCL 3-23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision
Construction and Architecture Contracts		South Dakota Department of Transportation and Bureau of Administration Office of the State Engineer

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.

Signature of Member: 

Date: 8-1-2018

# State Authorities/Boards/Commissions - Annual Disclosure Form

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER  
PURSUANT TO SDCL CHAPTER 3-23

**THIS IS A PUBLIC DOCUMENT**

Name of Member: William Hansen

Name of Board, Authority or Commission: South Dakota Housing Development Authority

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

1. With the state agency to which the Member's board, authority or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
2. With the state and which contract requires the approval of the Member's board, authority or commission and the expenditure of government funds; or
3. With a political subdivision of the state if the political subdivision approves the contract and:
  - a. Is under the regulatory oversight of the authority, board, or commission, or
  - b. Is under the regulatory oversight of the agency to which the Member's board, authority or commission is attached.

The Member shall disclose the contract even though no additional authorization is needed from the Member's board, authority or commission to have an interest or derive a benefit from the contract.

The Member shall also identify every entity in which the Member possesses an ownership interest of five percent or greater if:

1. The entity receives grant money from the State, either directly or by a pass-through grant or
2. The entity contracts with the State or any political subdivision for services.

1. Contracts in which you have an interest pursuant to SDCL Chapter 3-23 and which do not violate any other provision of law - Provide the following for each contract in which you have, or will have, an interest. For further information see SDCL 3-23-2.1 and 3-23-3.1.

Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed; if applicable
SDHDA Awards and Grants	SDHDA and Southeast Council of Governments	SECOG Employee	N/A
SDHDA Awards and Grants	SDHDA and Inter-Lakes Community Action Partnership	Unpaid ICAP Board Member	N/A
SDHDA Awards and Grants	SDHDA and Sioux Empire Housing Partnership	Unpaid SEHP Board Member	N/A

2. Contracts in which you have a direct benefit pursuant to SDCL Chapter 3-23 - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized

3. Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services – Provide the following for each such entity. See SDCL 3-23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.

Signature of Member: William Hansen

Date: 8-1-18

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER  
PURSUANT TO SDCL CHAPTER 3-23

**THIS IS A PUBLIC DOCUMENT**

Name of Member: Casey C. Peterson

Name of Board, Authority or Commission: South Dakota Science and Technology Authority

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

- 1) With the state agency to which the Member's board, authority or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
- 2) With the state and which contract requires the approval of the Member's board, authority or commission and the expenditure of government funds; or
- 3) With a political subdivision of the state if the political subdivision approves the contract and:
  - a. Is under the regulatory oversight of the authority, board, or commission, or
  - b. Is under the regulatory oversight of the agency to which the Member's board, authority or commission is attached.

The Member shall disclose the contract even though no additional authorization is needed from the Member's board, authority or commission to have an interest or derive a benefit from the contract.

The Member shall also identify every entity in which the Member possesses an ownership interest of five percent or greater if:

- 1) The entity receives grant money from the State, either directly or by a pass-through grant or
- 2) The entity contracts with the State or any political subdivision for services.

RECEIVED

SEP 24 2018

LEGISLATIVE AUDIT

1. **Contracts in which you have an interest pursuant to SDCL Chapter 3-23 and which do not violate any other provision of law** - Provide the following for each contract in which you have, or will have, an interest. For further information see SDCL 3-23-2.1 and 3-23-3.1.

Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed, if applicable
1.			

2. **Contracts in which you have a direct benefit pursuant to SDCL Chapter 3-23** - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized
1.			

3. **Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services** – Provide the following for each such entity. See SDCL 3-23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision
1. accounting/auditing services	Casey Peterson, LTD	South Dakota Ellsworth Development Authority
2. accounting/auditing services	Casey Peterson, LTD	City of Box Elder
3. accounting/auditing services	Casey Peterson, LTD	City of Wall
4. accounting/auditing services	Casey Peterson, LTD	City of Summerset
5. accounting/auditing services	Casey Peterson, LTD	Town of Hermosa
6. accounting/auditing services	Casey Peterson, LTD	Haakon School District
7. accounting/auditing services	Casey Peterson, LTD	Wall School District
8. accounting/auditing services	Casey Peterson, LTD	Hot Springs School District
9. accounting/auditing services	Casey Peterson, LTD	Harding County School District

10. accounting/auditing services	Casey Peterson, LTD	Rapid City Area School District
11. accounting/auditing services	Casey Peterson, LTD	Meade School District
12. accounting/auditing services	Casey Peterson, LTD	Custer School District
13. accounting/auditing services	Casey Peterson, LTD	Hill City School District
14. accounting/auditing services	Casey Peterson, LTD	Oelrichs School District
15. accounting/auditing services	Casey Peterson, LTD	Black Hills Special Services Cooperative
16. accounting/auditing services	Casey Peterson, LTD	Belle Fourche Irrigation District
17. accounting/auditing services	Casey Peterson, LTD	Black Hills State University Foundation
18. accounting/auditing services	Casey Peterson, LTD	Green Valley Sanitary District
19. accounting/auditing services	Casey Peterson, LTD	Pennington County Housing and Redevelopment Commission
20. accounting/auditing services	Casey Peterson, LTD	City of Piedmont
21. accounting/auditing services	Casey Peterson, LTD	City of Pierre
22. accounting/auditing services	Casey Peterson, LTD	Battle Creek Fire District
23. accounting/auditing services	Casey Peterson, LTD	Black Hawk Water User District
24. accounting/auditing services	Casey Peterson, LTD	Black Hills Educational Benefits Cooperative
25. accounting/auditing services	Casey Peterson, LTD	Butte-Meade Sanitary Water District
26. accounting/auditing services	Casey Peterson, LTD	Yellow Jacket Foundation

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.

Signature of Member:  Date: 2-15-18

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER  
PURSUANT TO SDCL CHAPTER 3-23

**THIS IS A PUBLIC DOCUMENT**

Name of Member: Jim M. Rankin

Name of Board, Authority or Commission: South Dakota Science and Technology Authority

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

- 1) With the state agency to which the Member's board, authority or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
- 2) With the state and which contract requires the approval of the Member's board, authority or commission and the expenditure of government funds; or
- 3) With a political subdivision of the state if the political subdivision approves the contract and:
  - a. Is under the regulatory oversight of the authority, board, or commission, or
  - b. Is under the regulatory oversight of the agency to which the Member's board, authority or commission is attached.

The Member shall disclose the contract even though no additional authorization is needed from the Member's board, authority or commission to have an interest or derive a benefit from the contract.

The Member shall also identify every entity in which the Member possesses an ownership interest of five percent or greater if:

- 1) The entity receives grant money from the State, either directly or by a pass-through grant or
- 2) The entity contracts with the State or any political subdivision for services.

**RECEIVED**  
**SEP 24 2018**  
**LEGISLATIVE AUDIT**

1. **Contracts in which you have an interest pursuant to SDCL Chapter 3-23 and which do not violate any other provision of law** - Provide the following for each contract in which you have, or will have, an interest. For further information see SDCL 3-23-2.1 and 3-23-3.1.

Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed, if applicable
1. General Services Agreement for the CASPAR Collaboration	South Dakota School of Mines and Technology and South Dakota Science and Technology Authority	Employee of South Dakota Board of Regents/South Dakota School of Mines and Technology	N/A
2. Letter of Agreement – Black Hills State University and South Dakota Science and Technology Authority	Black Hills State University and South Dakota Science and Technology Authority	Employee of South Dakota Board of Regents/South Dakota School of Mines and Technology	N/A

2. **Contracts in which you have a direct benefit pursuant to SDCL Chapter 3-23** - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized
1.			

3. **Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services** – Provide the following for each such entity. See SDCL 3-23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision
1.		

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.

Signature of Member:  Date: 8-15-18  
JIM M. RANKIN

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER  
PURSUANT TO SDCL CHAPTER 3-23

**THIS IS A PUBLIC DOCUMENT**

Name of Member: Ron W. Wheeler

Name of Board, Authority or Commission: South Dakota Science and Technology Authority

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

- 1) With the state agency to which the Member's board, authority or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
- 2) With the state and which contract requires the approval of the Member's board, authority or commission and the expenditure of government funds; or
- 3) With a political subdivision of the state if the political subdivision approves the contract and:
  - a. Is under the regulatory oversight of the authority, board, or commission, or
  - b. Is under the regulatory oversight of the agency to which the Member's board, authority or commission is attached.

The Member shall disclose the contract even though no additional authorization is needed from the Member's board, authority or commission to have an interest or derive a benefit from the contract.

The Member shall also identify every entity in which the Member possesses an ownership interest of five percent or greater if:

- 1) The entity receives grant money from the State, either directly or by a pass-through grant or
- 2) The entity contracts with the State or any political subdivision for services.

1. **Contracts in which you have an interest pursuant to SDCL Chapter 3-23 and which do not violate any other provision of law** - Provide the following for each contract in which you have, or will have, an interest. For further information see SDCL 3-23-2.1 and 3-23-3.1.

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SEP 24 2018

LEGISLATIVE AUDIT

Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed, if applicable
1.			

2. **Contracts in which you have a direct benefit pursuant to SDCL Chapter 3-23** - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized
1. Governmental and External Affairs Consultant	Ron W. Wheeler South Dakota Science and Technology Authority	Mr. Wheeler is a party to the contract and will be paid a fee.	September 18, 2018

3. **Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services** – Provide the following for each such entity. See SDCL 3-23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision
1.		

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.

Signature of Member: \_\_\_\_\_  \_\_\_\_\_ Date: \_\_\_\_\_  
8/23/18

RON W. WHEELER

STATE OF SOUTH DAKOTA  
SOUTH DAKOTA SCIENCE AND TECHNOLOGY AUTHORITY

STATE BOARD DISCLOSURE LAWS  
WAIVER AUTHORIZATION  
PURSUANT TO SDCL 3-23 (current member)

**THIS IS A PUBLIC DOCUMENT**

A written request for waiver dated 8/23/18, was received from Ron W. Wheeler. The request was acted upon by the members of the South Dakota Science and Technology Authority (insert name of board/commission/authority) during a meeting held on September 18, 2018.

(Check one)

The request for waiver was denied for the following reasons:

The request for waiver was authorized for the following reasons:

Mr. Wheeler is experienced and otherwise well-qualified for the position. The cost is reasonable. The terms of the contract are fair, reasonable, and not contrary to the public interest.

The request for waiver was authorized subject to the following conditions:

Casey C Peterson 9/18/18  
Signature of Chairperson or Authorized Member Date

Printed Name: Casey C. Peterson, Chairman of the Board

Date send to Auditor General: 9/21/2018 Date sent to Attorney General: 9/21/2018

STATE OF SOUTH DAKOTA

SOUTH DAKOTA SCIENCE AND TECHNOLOGY AUTHORITY

REQUEST FOR STATE BOARD WAIVER  
PURSUANT TO SDCL CHAPTER 3-23

**THIS IS A PUBLIC DOCUMENT**

Date: 8/23/18

Name of Board Member or Former Board Member: Ron W. Wheeler

Name of Board, Authority or Commission: South Dakota Science and Technology Authority

Brief explanation of contract for which a waiver is requested:

a) Parties to the contract

South Dakota Science and Technology Authority and Ron W. Wheeler

b) Board Member's role in the contract

Direct party to contract - consultant

c) Purpose and objective of the contract

Mr. Wheeler will act as a governmental and external affairs consultant. He will assist the Authority with communications with the federal and state governments and the Authority's contracting partners. He will also assist with private fundraising efforts.

d) Consideration or benefit conferred or agreed to be conferred upon each party:

The Authority will be provided the services described above. Mr. Wheeler will be paid \$4,000.00 per month plus expenses.

e) Duration of the contract

January 15, 2022

Signature of Requesting Party:  Date 8/23/18

RON W. WHEELER

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER  
PURSUANT TO SDCL CHAPTER 3-23

**THIS IS A PUBLIC DOCUMENT**

Name of Member: Gary Doering

---

Name of Board, Authority, or Commission: South Dakota State Railroad Board

---

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

- 1) With the state agency to which the Member's board, authority, or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
- 2) With the state and which contract requires the approval of the Member's board, authority, or commission and the expenditure of government funds; or
- 3) With a political subdivision of the state if the political subdivision approves the contract and:
  - a. Is under the regulatory oversight of the authority, board, or commission, or
  - b. Is under the regulatory oversight of the agency to which the Member's board, authority, or commission is attached.

The Member shall disclose the contract even though no additional authorization is needed from the Member's board, authority, or commission to have an interest or derive a benefit from the contract.

The Member shall also identify every entity in which the Member possesses an ownership interest of five percent or greater if:

- 1) The entity receives grant money from the State, either directly or by a pass-through grant or
- 2) The entity contracts with the State or any political subdivision for services.

1. **Contracts in which you have an interest pursuant to SDCL Chapter 3-23 and which do not violate any other provision of law** – Provide the following for each contract in which you have, or will have, an interest. For further information see SDCL 3-23-2.1 and 3-23.3.1.

Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed, if applicable
I work as an uncompensated volunteer for the East Central Regional Railroad Authority.	Gary Doering and East Central Regional Railroad Authority. East Central Regional Railroad Authority applies for and receives loans from the Railroad Trust Fund, which is administered by the South Dakota State Railroad Board.	I maintain paperwork and financial records and process payments for the regional railroad authority.	October 17, 2018

*Attach additional pages, if necessary.*

2. **Contract in which you have a direct benefit pursuant to SDCL Chapter 3-23** – Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2, and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized
None			

*Attach additional pages, if necessary.*

3. **Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services** – Provide the following for each such entity. See SDCL 3.23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision
None		

*Attach additional pages, if necessary.*

The Member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority, or commission in order for the Member to legally derive a direct benefit.

Signature of Member: Ray Davis Date 11-14-18

**SOUTH DAKOTA STATE RAILROAD BOARD MEETING MINUTES  
OCTOBER 17, 2018 – 11:00 A.M.  
BECKER-HANSEN BUILDING – 700 EAST BROADWAY  
PIERRE, SOUTH DAKOTA**

**MEMBERS PRESENT:** Jerry Cope, Vice Chair  
Jeff Burket, Secretary  
Gary Doering, Member  
Greg Carmon, Member  
Jack Nelson, Member

**MEMBERS PRESENT  
VIA CONFERENCE CALL:** Steve Scharnweber, Member

**DOT STAFF PRESENT:** Joel Jundt, Karla Engle, Jack Dokken, Misty Siedschlaw, Perry Griffith, Lynn Kennison, Bonnie Olson, and Katherine Anderson

**OTHERS PRESENT:** Dick Huff; Alex Huff; Danny Dalton – Rapid City, Pierre & Eastern Railroad Inc. (RCP&E); Scott Van Den Top – D&I Railroad Co.; Rod Wiseman – RCP&E; Crystal Blasus – RCP&E; Rick Vallery – Rep. Noem’s office; Kevin Hipple – Hughes County Regional Railroad Authority (HCRRA); Roger Inman – HCRRA; Marty Winckler – HCRRA; and Tom Tveit – South Dakota Pulse Processors LLC (SDPP)

**OTHERS PRESENT  
VIA CONFERENCE CALL:** Jeff Cooley (joined at 11:05 a.m.) and Dell Bartels (joined at 11:28 a.m.)

Vice Chairman Jerry Cope called the meeting of the South Dakota State Railroad Board (the “Board”) to order at 11:02 a.m.

\*\*\*\*\*

Vice Chairman Cope opened the floor to Board members to disclose potential conflicts of interest and to present requests for waivers pursuant to South Dakota Codified Law (SDCL) chapter 3-23.

No conflicts of interest were disclosed and no waivers were requested.

\*\*\*\*\*

Cope asked for a motion to approve the minutes of the September 19, 2018, Board meeting.

A MOTION WAS MADE by Burket and seconded by Nelson to approve the September 19, 2018, meeting minutes. All present voted aye by roll call vote. The motion carried.

Cope opened the floor for public input. No members of the public addressed the Board or offered input.

\*\*\*\*\*

Deputy Secretary Joel Jundt presented the Secretary's Report. Jundt provided an update on Board Chairman Quenzer.

Jundt provided an update of the total funding available in Special Transportation Circumstances ("STC") grant funds are \$9.2 million. The deadline to submit a project for STC grant funds was October 12<sup>th</sup>, but the Federal Railroad Administration ("FRA") will issue a Notice of Funding Availability ("NOFA") and allow the Department of Transportation (the "Department") to submit a project for STC grant funds after October 12<sup>th</sup>.

Jundt suggested the Board identify a process for reviewing requests for funding projects for the STC grant funds. The Board decided to follow a three-meeting process. At the first meeting, the Board would receive the STC funding requests and begin asking questions. The second meeting would allow applicants to respond to questions and provide additional details to the Board. At the third meeting, the Board would make its determination as to which funding applications to approve for submittal to the FRA.

\*\*\*\*\*

Hughes County Commissioner Roger Inman and Tom Tveit of South Dakota Pulse Processors LLC ("SDPP") presented a loan modification request by South Dakota Pulse Processors.

A MOTION WAS MADE by Burket and seconded by Doering to amend the loan agreement with Hughes County Regional Railroad Authority to allow Hughes County Regional Railroad Authority to split the loan payment due February 1, 2019, into two installments with the first installment in the amount of \$25,000.00 due September 30, 2019, and the second installment of \$33,000.00, including interest accruing from February 1, 2019 to December 31, 2019, due December 31, 2019. All present voted aye by roll call vote. The motion carried.

\*\*\*\*\*

The Board acknowledged receipt of Doering's verbal disclosure of potential conflicts of interest regarding his relationship with East Central Regional Railroad Authority. Doering explained that he acts as the agent for the regional railroad authority when submitting paperwork to the Department.

A MOTION WAS MADE by Carmon and seconded by Nelson to determine that the matter underlying the conflict is fair, reasonable, and not contrary to the public interest. All present voted aye by roll call vote, except Doering, who abstained from the Board discussion and vote. The motion carried.

\*\*\*\*\*

Jack Dokken, Program Manager for the Office of Air, Rail, and Transit, presented consideration of East Central Regional Railroad Authority lease payment due date.

A MOTION WAS MADE by Nelson and seconded by Burket to amend East Central Regional Railroad Authority's sub-lease agreement to move the sub-lease payment due date from March 1<sup>st</sup> to August 1<sup>st</sup> and amend East Central Regional Railroad Authority's main line lease agreement to move the lease payment due date from March 1<sup>st</sup> to September 1<sup>st</sup>, beginning in 2019. All present voted aye by roll call vote, except Doering, who abstained from the Board discussion and vote. The motion carried.

\*\*\*\*\*

Dokken provided the Board with updates on the following projects:

- Richland-Sargent Drainage Project – the project was completed by JEV Construction and planned and managed by Interstate Engineering. Dakota, Missouri Valley & Western performed the final surfacing, removed the panel, and reinstalled the panel. The ballast was also replaced. The Board committed \$250,000.00, but it looks like it will only cost about \$200,000.00.
- TIGER VII
  - Huron – Huron part of this project is completed.
  - Philip – Philip siding is nearly complete. They are scheduled to finish the welds Sunday, October 21. There will be a final walkthrough Monday, October 22 with staff from the Department. The original estimate for this project was \$12.4 million, final costs are coming in, and we're looking at about a \$4.2 million to \$4.4 million underrun. The applicant, RCP&E, will request to repurpose those dollars to rehabilitate or move from jointed rail to ribbon rail west of Fort Pierre.
- MRC & Britton Salvage – The Department estimated this project to produce about 8,800 tons, but so far it's produced about 11,000 tons of scrap material. The Department is expecting approximately \$1.3 million in scrap material funds .
- GIS Mapping of rail lines – The project will be completed in December 2019.

\*\*\*\*\*

Karla Engle of the Office of Legal Counsel asked for a motion to enter into executive session pursuant to South Dakota Codified Law (“SDCL”) §1-25-2(3) and (4).

A MOTION WAS MADE by Burket and seconded by Carmon to enter into executive session pursuant to SDCL § 1-25-2(3) for the purpose of consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters, and SDCL § 1-25-2(4) for the purpose of preparing for contract negotiations. All present voted aye by roll call vote. The motion carried.

\*\*\*\*\*

The Board came out of executive session at 12:21 p.m. With no other business to come before the Board, the meeting was adjourned at 12:21 p.m.

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER  
PURSUANT TO SDCL CHAPTER 3-23

THIS IS A PUBLIC DOCUMENT

Name of Member: Jeff Burkett

Name of Board, Authority or Commission: South Dakota State Railroad Board  
+ South Dakota Railroad Authority

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

- 1) With the state agency to which the Member's board, authority or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
- 2) With the state and which contract requires the approval of the Member's board, authority or commission and the expenditure of government funds; or
- 3) With a political subdivision of the state if the political subdivision approves the contract and:
  - a. Is under the regulatory oversight of the authority, board, or commission, or
  - b. Is under the regulatory oversight of the agency to which the Member's board, authority or commission is attached.

The Member shall disclose the contract even though no additional authorization is needed from the Member's board, authority or commission to have an interest or derive a benefit from the contract.

The Member shall also identify every entity in which the Member possesses an ownership interest of five percent or greater if:

- 1) The entity receives grant money from the State, either directly or by a pass-through grant or
- 2) The entity contracts with the State or any political subdivision for services.

1. **Contracts in which you have an interest pursuant to SDCL Chapter 3-23 and which do not violate any other provision of law** - Provide the following for each contract in which you have, or will have, an interest. For further information see SDCL 3-23-2.1 and 3-23-3.1.

Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed, if applicable
Lease of Milwaukee Yard in Rapid City SD	MTI American Colloid	Employee of MTI who leases the yard	Aug 16 2017

Attach additional pages, if necessary.

2. **Contracts in which you have a direct benefit pursuant to SDCL Chapter 3-23** - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized
Lease of Milwaukee Yard in Rapid City SD	MTI American Colloid	Employee of MTI who leases the yard	

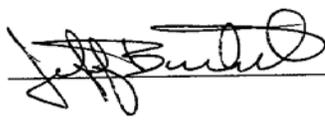
Attach additional pages, if necessary.

3. Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services – Provide the following for each such entity. See SDCL 3-23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision

*Attach additional pages, if necessary.*

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.

Signature of Member:  Date: 8/1/18

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER  
PURSUANT TO SDCL CHAPTER 3-23

THIS IS A PUBLIC DOCUMENT

Name of Member: Jerry Cope  
Name of Board, Authority or Commission: State Rail Board / State Rail Authority

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

- 1) With the state agency to which the Member's board, authority or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
- 2) With the state and which contract requires the approval of the Member's board, authority or commission and the expenditure of government funds; or
- 3) With a political subdivision of the state if the political subdivision approves the contract and:
  - a. Is under the regulatory oversight of the authority, board, or commission, or
  - b. Is under the regulatory oversight of the agency to which the Member's board, authority or commission is attached.

The Member shall disclose the contract even though no additional authorization is needed from the Member's board, authority or commission to have an interest or derive a benefit from the contract.

The Member shall also identify every entity in which the Member possesses an ownership interest of five percent or greater if:

- 1) The entity receives grant money from the State, either directly or by a pass-through grant or
- 2) The entity contracts with the State or any political subdivision for services.

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JUN 11 2019  
**LEGISLATIVE AUDIT**

EXHIBIT A

1. **Contracts in which you have an interest pursuant to SDCL Chapter 3-23 and which do not violate any other provision of law** - Provide the following for each contract in which you have, or will have, an interest. For further information see SDCL 3-23-2.1 and 3-23-3.1.

Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed, if applicable
<ul style="list-style-type: none"> <li>* Presho land purchase east of Presho</li> <li>* Murdo land lease</li> <li>* Presho land lease</li> </ul>	Dakota Mill & Grain Inc. ↓	Employed by Dakota Mill & Grain Inc.	<ul style="list-style-type: none"> <li>* Presho - 7/5/17 land sale preliminary agreement was approved by the Rail Board and Sale Finalized July 2018.</li> <li>* Murdo land lease - ongoing</li> <li>* Presho in town land lease - ongoing</li> </ul>

Attach additional pages, if necessary.

2. **Contracts in which you have a direct benefit pursuant to SDCL Chapter 3-23** - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized
<ul style="list-style-type: none"> <li>* Presho land lease east of Presho</li> <li>* Murdo land lease</li> <li>* Presho in town land lease</li> </ul>	Dakota Mill & Grain Inc.	Employed by Dakota Mill & Grain Inc.	<ul style="list-style-type: none"> <li>* Presho 7/5/17 land sale preliminary agreement was approved by the Rail Board land Sale finalized July 2018</li> <li>* Murdo land lease - ongoing</li> <li>* Presho in town land lease - ongoing</li> </ul>

Attach additional pages, if necessary.



ANNUAL DISCLOSURE FOR AUTHORITY BOARD/COMMISSION MEMBER  
PURSUANT TO SDCL CHAPTER 3-23

THIS IS A PUBLIC DOCUMENT

Name of Member: Donald L. Roby  
Name of Board, Authority or Commission: SD DOT Transportation Commission

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

- 1) With the state agency to which the Member's board, authority or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
- 2) With the state and which contract requires the approval of the Member's board, authority or commission and the expenditure of government funds; or
- 3) With a political subdivision of the state if the political subdivision approves the contract and:
  - a. Is under the regulatory oversight of the authority, board, or commission, or
  - b. Is under the regulatory oversight of the agency to which the Member's board, authority or commission is attached.

The Member shall disclose the contract even though no additional authorization is needed from the Member's board, authority or commission to have an interest or derive a benefit from the contract.

The Member shall also identify every entity in which the Member possesses an ownership interest of five percent or greater if:

- 1) The entity receives grant money from the State, either directly or by a pass-through grant or
- 2) The entity contracts with the State or any political subdivision for services.

1. **Contracts in which you have an interest pursuant to SDCL Chapter 3-23 and which do not violate any other provision of law** - Provide the following for each contract in which you have, or will have, an interest. For further information see SDCL 3-23-2.1 and 3-23-3.1.

Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed, if applicable
* See attached			

*Attach additional pages, if necessary.*

2. **Contracts in which you have a direct benefit pursuant to SDCL Chapter 3-23** - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized
* See attached			

*Attach additional pages, if necessary.*

3. Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services – Provide the following for each such entity. See SDCL 3-23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision
* See attached		

*Attach additional pages, if necessary.*

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.

Signature of Member:                     *Amel C 7*                     Date:                     *7-19-18*

X Attached to Annual Disclosure Form  
DR  
7-19-18

May 2, 2017

Mr. Ronald Rosenboom  
South Dakota Transportation Commission  
South Dakota Department of Transportation  
700 East Broadway Avenue  
Pierre, SD 57501

Re: Conflict of Interest Disclosure

This letter is in response to SDCL 3-23-1 and 3-23-2 and is intended to address whether I, my wife, or any entity in which we have ownership interests derives any direct benefit from a contract or transaction with the State of South Dakota that specifically relates to the South Dakota Department of Transportation and my involvement as an active SDDOT Commissioner.

Some of the businesses in which we have ownership interests have properties near or bordering state highways in South Dakota. In the event an improvement on a state highway could potentially have a material effect on any of these properties, I would disclose that situation.

Also, I am an elected member of the Watertown City Council. Should a situation arise with a SDDOT contract or transaction with the City of Watertown, I would disclose any potential conflict at that time.

I will continue to review the agenda items for upcoming Transportation Commission meetings and be forthcoming in any potential conflicts of interest.

Sincerely,



Donald L. Roby  
Commissioner  
South Dakota Transportation Commission

CC: Darin Bergquist, Secretary of Transportation, SDDOT  
Karla Engle, Chief Legal Counsel, SDDOT

## FRIEBERG, NELSON & ASK, L.L.P.

### ATTORNEYS AT LAW

ROBERT B. FRIEBERG  
THOMAS H. FRIEBERG  
LARRY A. NELSON  
BRENDA M. ASK (SD & IA)  
SAMUEL J. NELSON

AUGUST FRIEBERG (1863-1932)  
ROSCOE A. FRIEBERG (1903-1982)  
BLAINE O. RUDOLPH (1925-2016)

Sender's Address:  
206 E. 5<sup>th</sup> Street  
P.O. Box 38  
Canton, SD 57013-0038

PHONE: (605) 987-2686  
FAX: (605) 987-5779  
EMAIL: lnelson@frieberglaw.com

July 6, 2018

Mr. Kyle White, Chairman  
South Dakota Transportation Commission  
South Dakota Department of Transportation  
700 East Broadway Avenue  
Pierre, SD 57501

*Re: Conflict of Interest Disclosure*

Dear Chairman White:

This letter is in response to SDCL § 3-23-1 and SDCL § 3-23-2, and is intended to address whether I, my wife, or any entity in which we have ownership interests derives any direct benefit from a contract or transaction with the State of South Dakota that specifically relates to the South Dakota Department of Transportation and my involvement as an active SDDOT Commissioner.

I am a Partner in the law firm of Frieberg, Nelson & Ask, L.L.P. The partnership is appointed as City Attorney for the municipalities of Hartford, Worthing, Canton, Alcester, and Beresford, all of which are located in South Dakota. I am also providing legal council to the City of Salem on a civil matter regarding special assessments. Should a situation arise with a SDDOT contract or transaction with any of these municipalities I would disclose any potential conflict at that time.

I have enclosed the completed Annual Disclosure for Commission Member pursuant to SDCL Chapter 3-23, and Request for State Board Waiver pursuant to SDCL Chapter 3-23.

I will continue to review the agenda items for upcoming Transportation Committee meetings and be forthcoming in any potential conflict of interest. Thank you for your consideration.



LARRY A. NELSON  
Commissioner  
South Dakota Transportation Commission

LAN/src  
CC: Darin Bergquist, Secretary of Transportation, SDDOT  
Karla Engle, Chief of Legal Counsel, SDDOT

STATE OF SOUTH DAKOTA

(insert name of board/commission/authority)

REQUEST FOR STATE BOARD WAIVER  
PURSUANT TO SDCL CHAPTER 3-23

**THIS IS A PUBLIC DOCUMENT**

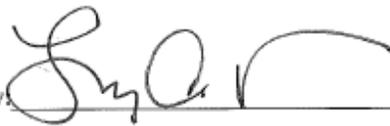
Date: \_\_\_\_\_

Name of Board Member or Former Board Member: Larry A. Nelson

Name of Board, Authority or Commission: Transportation Commission

Brief explanation of contract for which a waiver is requested:

- a) Parties to the contract  
Please see attached document
  
- b) Board Member's role in the contract  
Please see attached document
  
- c) Purpose and objective of the contract  
Please see attached document
  
- d) Consideration or benefit conferred or agreed to be conferred upon each party  
Please see attached document
  
- e) Duration of the contract  
Please see attached document

Signature of Requesting Party:  Date 7/6/18

Brief explanation of contract for which a waiver is requested:

1.
  - a) City of Canton, South Dakota & Larry A. Nelson, with assistance of Brenda M. Ask, attorneys of Frieberg, Nelson & Ask, LLP, law firm.
  - b) Provides legal services to the City of Canton.
  - c) Provide legal services to the City of Canton.
  - d) Legal services are provided in exchange for payment.
  - e) 1990, until no longer serving in capacity as City Attorney.
2.
  - a) City of Worthing, South Dakota & Larry A. Nelson, with assistance of Brenda M. Ask, attorneys with Frieberg, Nelson & Ask, LLP, law firm.
  - b) Provides legal services to the City of Worthing.
  - c) Provide legal services to the City of Worthing.
  - d) Legal services are provided in exchange for payment.
  - e) 1994, until no longer serving in capacity as City Attorney.
3.
  - a) City of Hartford, South Dakota & Larry A. Nelson, with assistance of Brenda M. Ask, attorneys with Frieberg, Nelson & Ask, LLP, law firm.
  - b) Provides legal services to the City of Hartford.
  - c) Provide legal services to the City of Hartford.
  - d) Legal services are provided in exchange for payment.
  - e) 1996, until no longer serving in capacity as City Attorney.
4.
  - a) City of Beresford, South Dakota & Thomas Frieberg, with assistance of Samuel J. Nelson, attorneys with Frieberg, Nelson & Ask, LLP, law firm.
  - b) Provides legal services to the City of Beresford.
  - c) Provide legal services to the City of Beresford.
  - d) Legal services are provided in exchange for payment.
  - e) 1992, until no longer serving in capacity as City Attorney.
5.
  - a) City of Alcester, South Dakota & Thomas Frieberg, with assistance of Samuel J. Nelson, attorneys with Frieberg, Nelson & Ask, LLP, law firm.
  - b) Provides legal services to the City of Alcester.
  - c) Provide legal services to the City of Alcester.
  - d) Legal services are provided in exchange for payment.
  - e) 2018, until no longer serving in capacity as City Attorney
6.
  - a) City of Salem, South Dakota & Larry A. Nelson, attorney with Frieberg, Nelson & Ask, LLP, law firm.
  - b) Provides legal services to the City of Salem.

- c) Provide legal services to the City of Salem.
  - d) Legal services are provided in exchange for payment.
  - e) 2018, until no longer serving in capacity as Attorney for the City of Salem.
- 7.
- a) Lincoln County Rural Water Systems, Inc., City of Harrisburg, South Dakota, and City of Sioux Falls, with SDDOT providing project funds.
  - b) Provide legal services as Attorney for Lincoln County Rural Water Systems.
  - c) Water line relocation and funding involving highway construction project.
  - d) LCRW - Water line relocation reimbursements  
City of Harrisburg - Reimbursements and cost share  
City of Sioux Falls - Reimbursements and cost share  
SDDOT - Road improvements and funding
  - e) Providing legal services until completion of project.
- 8.
- a) Larry A. Nelson, Frieberg, Nelson & Ask, LLP, law firm and Sioux Falls School District 49-5.
  - b) Legislative contract lobbyist.
  - c) Sioux Falls School District 49-5 is represented and lobbied on behalf of during each South Dakota Legislative Session.
  - d) Lobbying services are provided in exchange for payment.
  - e) 2014, until no longer serving as Lobbyist by Sioux Falls School District 49-5.
- 9.
- a) Thomas Frieberg, with assistance from Samuel J. Nelson, attorneys of Frieberg, Nelson & Ask, LLP, law firm and Union County, South Dakota.
  - b) Larry A. Nelson is a partner in the law firm of Frieberg, Nelson & Ask, LLP.
  - c) Frieberg, Nelson & Ask, LLP, law firm is contracted as a court appointed Attorney for legal services to criminal defendants who cannot afford a retained Attorney.
  - d) Legal services are provided in exchange for payment.
  - e) January 1, 2016, through December 31, 2018 contract, which can be renewed for another 5 year contract.
- 10.
- a) Brenda M. Ask, Frieberg, Nelson & Ask, LLP, law firm and Lincoln County Commission.
  - b) Larry A. Nelson is a partner in the law firm of Frieberg, Nelson & Ask, LLP.
  - c) Brenda M. Ask is appointed as Chair of the Mental Health Board.
  - d) Services to the Mental Health Board are provided in exchange for payment from the Lincoln County Commission.
  - e) Appointed June 2009, and reappointed yearly until no longer reappointed.
- 11.
- a) Thomas Frieberg, Frieberg, Nelson & Ask, LLP, law firm and University of South Dakota.

- b) Larry A. Nelson is a partner in the law firm of Frieberg, Nelson & Ask, LLP.
- c) Thomas Frieberg is retained as an Attorney for the University of South Dakota and provides legal services.
- d) Legal services are provided in exchange for payment.
- e) 2005, until no longer serving in capacity as Attorney for the University of South Dakota.

12.

- a) Brenda M. Ask, Frieberg, Nelson & Ask, LLP, law firm and Lincoln County, South Dakota.
- b) Larry A. Nelson is a partner in the law firm of Frieberg, Nelson & Ask, LLP.
- c) Brenda M. Ask has been previously appointed, and has the possibility of being appointed again, by the Court of Lincoln County as a court appointed attorney for legal services.
- d) Legal services are provided in exchange for payment.
- e) There is no contract on file, as services are performed by the request of the Court.

13.

- a) Samuel J. Nelson, Frieberg, Nelson & Ask, LLP, law firm and Lincoln County, South Dakota.
- b) Larry A. Nelson is a partner in the law firm of Frieberg, Nelson & Ask, LLP.
- c) Samuel J. Nelson has been previously appointed, and has the possibility of being appointed again, by the Court of Lincoln County as a court appointed attorney for legal services .
- d) Legal services are provided in exchange for payment.
- e) There is no contract on file, as services are performed by the request of the Court.

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER  
PURSUANT TO SDCL CHAPTER 3-23

**THIS IS A PUBLIC DOCUMENT**

Name of Member: Larry A. Nelson

Name of Board, Authority or Commission: Transportation Commission

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

- 1) With the state agency to which the Member's board, authority or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
- 2) With the state and which contract requires the approval of the Member's board, authority or commission and the expenditure of government funds; or
- 3) With a political subdivision of the state if the political subdivision approves the contract and:
  - a. Is under the regulatory oversight of the authority, board, or commission, or
  - b. Is under the regulatory oversight of the agency to which the Member's board, authority or commission is attached.

The Member shall disclose the contract even though no additional authorization is needed from the Member's board, authority or commission to have an interest or derive a benefit from the contract.

The Member shall also identify every entity in which the Member possesses an ownership interest of five percent or greater if:

- 1) The entity receives grant money from the State, either directly or by a pass-through grant or
- 2) The entity contracts with the State or any political subdivision for services.

1. **Contracts in which you have an interest pursuant to SDCL Chapter 3-23 and which do not violate any other provision of law** - Provide the following for each contract in which you have, or will have, an interest. For further information see SDCL 3-23-2.1 and 3-23-3.1.

Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed, if applicable

*Attach additional pages, if necessary.*

2. **Contracts in which you have a direct benefit pursuant to SDCL Chapter 3-23** - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized
Hired Attorney	Lincoln County Rural Water Systems, Inc. & Frieberg, Nelson & Ask, LLP, law firm	Hired Attorney paid by LCRW for legal services	1996 - Renews yearly
Hired Attorney	City of Canton, South Dakota & Frieberg, Nelson & Ask, LLP, law firm	Hired Attorney paid by the City of Hartford for legal services	1990 - Renews yearly
Hired Attorney	City of Worthing, South Dakota & Frieberg, Nelson & Ask, LLP, law firm	Hired Attorney paid by the City of Worthing for legal services	1994 - Renews yearly
Hired Attorney	City of Hartford, South Dakota & Frieberg, Nelson & Ask, LLP, law firm	Hired Attorney paid by the City of Hartford for legal services	1996 - Renews yearly

*Attach additional pages, if necessary.*

Please see additional pages attached

2. **Contacts in which you have a direct benefit pursuant to SDCL Chapter 3-23** - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2, and 3-23-3.1.

Description of the Contract	Parties	Description of the direct benefit	Date contract was authorized
Hired Attorney	City of Beresford, South Dakota & Frieberg, Nelson & Ask, law firm	Hired Attorney paid by the City of Beresford for legal services	1992 - Renews yearly
Hired Attorney	City of Alcester, South Dakota & Frieberg, Nelson & Ask, law firm	Hired Attorney paid by the City of Alcester for legal services	2018 - Renews yearly
Hired Attorney	City of Salem, South Dakota & Frieberg, Nelson & Ask, law firm	Hired Attorney paid by the City of Salem for legal services	2018 - until services for case are no longer required
Hired Attorney for Lincoln County Rural Water System, Inc., who has an agreement with City of Harrisburg & City of Sioux Falls for water line relocation project and use of DOT funds	Lincoln County Rural Water System, Inc, City of Harrisburg, City of Sioux Falls & Frieberg, Nelson & Ask, law firm	Hired Attorney paid by Lincoln County Rural Water Systems, Inc. for legal services	1996 - Serves at pleasure of Board
Legislative Contract Lobbyist	Larry A. Nelson & Sioux Falls School District 49-5	Hired lobbyist paid by Sioux Falls School District 49-5 for lobbying services	2014 - original contract date, subsequent yearly renewals
Union County Court Appointments for criminal legal services	Thomas Frieberg of Frieberg, Nelson & Ask, LLP, law firm, with assistance of Samuel J. Nelson, Attorney, and Union County	Hired Court Appointed Attorney paid by Union County for legal services to criminal defendants who cannot afford a retained Attorney	January 1, 2016, through December 31, 2018, contract with Union County
Mental Health Board Chairman appointed by Lincoln County Commission, South Dakota	Brenda M. Ask and Lincoln County Commission	Appointed as Chair to the Mental Health Board and paid by Lincoln County for mental health services	Appointed June 2009 and reappointed yearly by Lincoln County Commission

2. **Contacts in which you have a direct benefit pursuant to SDCL Chapter 3-23** - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2, and 3-23-3.1.

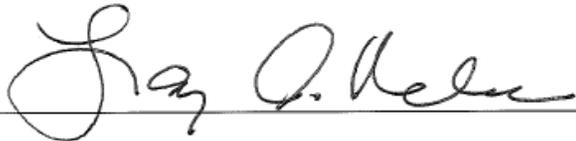
Description of the Contract	Parties	Description of the direct benefit	Date contract was authorized
Council of the Disciplinary Board of South Dakota Bar Association	Robert Frieberg and South Dakota Bar Association	Appointed to and paid by Disciplinary Board of South Dakota Bar Association, which Association receives money from the Attorney General's office	Appointed in 2000 and reappointed by President of the Board as determined by President of the Board
Hearing Examiner for the South Dakota Board of Medical and Osteopathic Examiners	Thomas Frieberg and South Dakota Board of Medical and Osteopathic Examiners	Hired by South Dakota Board of Medical and Osteopathic Examiners as a Hearing Examiner	2004- original contract and renews yearly
Hearing Examiner for the South Dakota Pharmacy Board	Thomas Frieberg and South Dakota Pharmacy Board	Hired by South Dakota Pharmacy Board as a Hearing Examiner	January 2018
Hired Attorney	University of South Dakota and Thomas Frieberg of Frieberg, Nelson & Ask, LLP, law firm	Hired Attorney for University of South Dakota for legal services	2005 - Renews yearly
Lincoln County Court Appointments for criminal legal services	Brenda M. Ask of Frieberg, Nelson & Ask, LLP, and Lincoln County	Hired by Lincoln County as Court Appointed Attorney paid by Lincoln County for legal services to criminal defendants who cannot afford a retained attorney	Last appointed 2017, appointed as needed by Court

3. Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services – Provide the following for each such entity. See SDCL 3-23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision

*Attach additional pages, if necessary.*

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.

Signature of Member:  Date: 7-6-018

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER  
PURSUANT TO SDCL CHAPTER 3-23

THIS IS A PUBLIC DOCUMENT

Name of Member: Rodney Fouberg

Name of Board, Authority or Commission: South Dakota Transportation Commission

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

- 1) With the state agency to which the Member's board, authority or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
- 2) With the state and which contract requires the approval of the Member's board, authority or commission and the expenditure of government funds; or
- 3) With a political subdivision of the state if the political subdivision approves the contract and:
  - a. Is under the regulatory oversight of the authority, board, or commission, or
  - b. Is under the regulatory oversight of the agency to which the Member's board, authority or commission is attached.

The Member shall disclose the contract even though no additional authorization is needed from the Member's board, authority or commission to have an interest or derive a benefit from the contract.

The Member shall also identify every entity in which the Member possesses an ownership interest of five percent or greater if:

- 1) The entity receives grant money from the State, either directly or by a pass-through grant or
- 2) The entity contracts with the State or any political subdivision for services.

1. Contracts in which you have an interest pursuant to SDCL Chapter 3-23 and which do not violate any other provision of law - Provide the following for each contract in which you have, or will have, an interest. For further information see SDCL 3-23-2.1 and 3-23-3.1.

Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed, if applicable

*Attach additional pages, if necessary.*

2. Contracts in which you have a direct benefit pursuant to SDCL Chapter 3-23 - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized
Agreement for Voluntary Right of Way Donation. Perpetual Easement for Shared Use Path/Recreational Trail. Project Number P-TAPU (13) PCN 05C9. Aberdeen SD project number 7 1/24/2018 SDDOT letting. 0.296 acres (5' wide by 2,581' long). Dated 16th day of January, 2017. Easement donated. One dollar (\$1.00) and other good and valuable consideration.	Glenna N. Fouberg-Donor City of Aberdeen SD-Donee	I, Rodney Fouberg am the husband of Glenna N. Fouberg - Donor	1/16/2017

*Attach additional pages, if necessary.*

3. Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services – Provide the following for each such entity. See SDCL 3-23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision

*Attach additional pages, if necessary.*

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.

Signature of Member:  Date: 7/17/18