

Revised
Meeting Agenda
SOUTH DAKOTA ABSTRACTERS' BOARD OF EXAMINERS
Creekside Conference Room, Creekside Lodge at Custer State Park Resort
13389 U.S. Highway 16A, Custer, South Dakota
June 14, 2018 3:30 p.m. MDT

Persons wishing to join the meeting by teleconference may do so by calling the Board office at (605) 642-1600 by May 30, 2018 to arrange for a call-in number.

- A. Call to Order
- B. Roll Call
- C. Introductions
- D. Approval of the agenda
- E. Public Comment
- F. Approval of the Minutes of January 30, 2018, January 31, 2018
- G. FY Financial Update
- H. Update on South Dakota Land Title Guide
- I. Code of Conduct
- J. NC Dental Board
- K. Executive Session-Pursuant to SDCL 1-25-2
- L. Complaints/Investigations-If any
- M. Other Business
- N. Next Meeting Date
- O. Adjourn

Meeting Minutes
South Dakota Abstracters Board of Examiners
South Dakota Department of Labor and Regulation
123 W Missouri Ave., Pierre, SD
January 30, 2018 at 11:30 a.m. CST

Meeting called to order at 11:30 a.m. by President Greg Wick, Rapid City, SD.

Members Present: President Wick noted Board members in attendance as Board member Yvon Burtz of Winner, SD and Dan Roe of Spearfish, SD. Secretary Treasurer Victoria Wilds of Canton, SD and Kara Semmler, Lay Board member from Pierre, SD were absent.

Executive Session to administer Licensing Examinations: At 11:31 a.m. President Wick asked for a motion to adjourn to executive session to conduct abstracter licensing examinations. 6 applicants were present. Motion made by Mr. Roe to adjourn to executive session, seconded by Ms. Burtz. **MOTION PASSED UNANIMOUSLY.**

At 3:00 p.m. President Wick re-convened the meeting from executive session upon completion of examinations. Motion made by Ms. Burtz, seconded by Mr. Roe. **MOTION PASSED UNANIMOUSLY.**

With no other matters before the Board, motion to adjourn by Mr. Roe, and seconded by Ms. Burtz. **MOTION PASSED UNANIMOUSLY.** Meeting adjourned at 3:05 p.m.

s/ Greg Wick, President

Meeting Minutes
ABSTRACTERS BOARD OF EXAMINERS
Drifters Event Center
325 E. Hustan Ave, Ft. Pierre, SD
January 31, 2018 4:00 p.m. CST

President Wick called the meeting to order at 4:03 p.m. CST.

Members Present: Yvon Burtz, Dan Roe, Greg Wick, Kara Semmler, Victoria Wilds (via teleconference)

Members Absent: None

Others in Attendance via teleconference: Carol Tellinghuisen, Executive Secretary, Jill Lesselyoung, Executive Assistant, Brooke Tellinghuisen Geddes, Executive Assistant; Amber Mulder, Assistant Attorney General.

Roll Call: President Wick conducted roll call; Burtz, Roe, Semmler and Wilds in attendance.

Introductions: Wick introduced others in attendance via teleconference.

Approval of Minutes from October 3, 2017: Semmler moved and Roe seconded to approve the minutes from October 3, 2017. **MOTION PASSED UNANIMOUSLY**

FY Financial Update: Lesselyoung reported fiscal year to date figures as of November 30, 2017: revenue of \$49,647.89, expenditures of \$19,427.14 and cash on hand of \$310,973.47. Roe moved and Burtz seconded to approve the financials as presented. **MOTION PASSED UNANIMOUSLY.**

Update on South Dakota Land and Title Guide: Wick advised they are close to finalizing the two chapters being updated on probate law. He is following with up Bill Van Kamp. Discussion was held regarding the best route to disseminate the new information when ready for publishing.

Executive Secretary Contract: Tellinghuisen requested to renew the contract with no increase. Semmler moved and Roe seconded to request Department of Labor renew the contract. **MOTION PASSED UNANIMOUSLY.**

Update on State Licensure Compact: Wick reviewed the Occupational Licensing Requirement across the five states handout. Wick noted omissions, researched and forwarded corrections to the Governor's office to validate the reference information.

Other Business: There was no other business.

Next Meeting Date: The next meeting date is set in conjunction with the SD Land Title Association meeting at Custer State Park Creekside Lodge for June 14th at 4:00 CDT.

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Official Minutes-January 31, 2018**

Adjourn: Semmler moved and Burtz seconded to adjourn the meeting at 4:15 p.m. CST.
MOTION PASSED UNANIMOUSLY.

Respectfully submitted,



Carol Tellinghuisen
Executive Secretary
Abstracters Board of Examiners

DRAFT

STATE OF SOUTH DAKOTA
 REVENUE SUMMARY BY BUDGET UNIT
 FOR PERIOD ENDING: 04/30/2018

AGENCY BUDGET UNIT	COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE
10 1038			LABOR & REGULATION ABSTRACTERS BD OF EXAMINERS		
COMPANY NO 6503			PROFESSIONAL & LICENSING BOARDS		
1038000698	6503	4293920	NEW LICENSE FEES	.00	2,151.45
1038000698	6503	4293921	REEXAMINATION FEES	.00	1,050.00
1038000698	6503	4293922	EXAMINATION FEES	.00	1,500.00
1038000698	6503	4293923	RENEWAL FEES	.00	39,620.00
ACCT: 4293			BUSINESS & OCCUP LICENSING (NON-GOVERNMENTAL)	.00	44,321.45
ACCT: 42			LICENSES, PERMITS & FEES	.00	44,321.45
1038000698	6503	4539001	OTHER CHARGES	.00	700.00
ACCT: 4539			OTHER CHARGES (STATE INTRA-GOVERNMENT)	.00	700.00
1038000698	6503	4596001	EDUCATIONAL MATERIAL-NHA	.00	3,917.48
ACCT: 4596				.00	3,917.48
ACCT: 45			CHARGES FOR SALES & SERVICES	.00	4,617.48
1038000698	6503	4920045	NONOPERATING REVENUES	.00	3,526.44
ACCT: 4920			NONOPERATING REVENUE	.00	3,526.44
ACCT: 49			OTHER REVENUE	.00	3,526.44
CNTR: 1038000698				.00	52,465.37
COMP: 6503				.00	52,465.37
B UNIT: 1038				.00	52,465.37

AGENCY 10 LABOR & REGULATION
 BUDGET UNIT 1038 ABSTRACTERS BD OF EXAMINERS
 CENTER-5 10380 ABSTRACTERS BOARD OF EXAMINERS

CENTER	COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE
COMPANY NO	6503	PROFESSIONAL & LICENSING BOARDS			
COMPANY NAME	6503	PROFESSIONAL & LICENSING BOARDS			
1038000698	6503	51010100	F-T EMP SAL & WAGES	.00	1,322.74
1038000698	6503	51010300	BOARD & COMM MERS FEES	.00	4,740.00
ACCT: 5101		EMPLOYEE SALARIES			
1038000698	6503	51020100	OASI-EMPLOYER'S SHARE	.00	6,062.74
1038000698	6503	51020200	RETIREMENT-ER SHARE	.00	468.97
1038000698	6503	51020500	HEALTH/LIFE INS.-ER SHARE	.00	79.32
1038000698	6503	51020800	WORKER'S COMPENSATION	.00	146.90
1038000698	6503	51020900	UNEMPLOYMENT COMPENSATION	.00	2.27
ACCT: 5102		EMPLOYEE BENEFITS			
ACCT: 51		PERSONAL SERVICES			
1038000698	6503	52030200	AUTO PRIV (IN-ST.) I/RTE	.00	698.06
1038000698	6503	52030300	AUTO-PRIV (IN-ST.) H/RTE	.00	6,760.80
1038000698	6503	52031000	LODGING/IN-STATE	.00	27.14
1038000698	6503	52031400	TAXABLE MEALS/IN-STATE	.00	1,268.40
1038000698	6503	52031500	NON-TAXABLE MEALS/IN-ST	.00	450.06
ACCT: 5203		TRAVEL			
1038000698	6503	52040900	MANAGEMENT CONSULTANT	.00	2,125.60
1038000698	6503	52041810	BIT DEVELOPMENT COSTS	.00	21,672.75
1038000698	6503	52042000	CENTRAL SERVICES	.00	394.80
1038000698	6503	52045300	TELECOMMUNICATIONS SRVCS	.00	1,657.73
1038000698	6503	52045900	INS PREMIUMS & SURETY BDS	.00	218.26
ACCT: 5204		CONTRACTUAL SERVICES			
1038000698	6503	52053500	POSTAGE	.00	815.00
1038000698	6503	52059800	PROC CARD PURCH-APPROVED	.00	3,008.92
ACCT: 5205		SUPPLIES & MATERIALS			
1038000698	6503	5228000	OPER TRANS OUT -NON BUDGT	.00	24,758.54
ACCT: 5228		NONOP EXP/NONBGTD OP TR			
ACCT: 52		OPERATING EXPENSES			
COMP: 6503		PROFESSIONAL & LICENSING BOARDS			
CENTER: 1038000698					
B UNIT: 1038					

3,008.92 35,026.22 ***
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AGENCY: 10 LABOR & REGULATION
BUDGET UNIT: 1038 ABSTRACTERS BD OF EXAMINERS

COMPANY	CENTER	ACCOUNT	BALANCE	DR/CR	CENTER DESCRIPTION
6503	1038000698	1140000	298,191.87	DR	ABSTRACTERS BOARD OF EXAMINERS
COMPANY/SOURCE TOTAL 6503 698			298,191.87	DR *	
COMP/BUDG UNIT TOTAL 6503 1038			298,191.87	DR **	
BUDGET UNIT TOTAL 1038			298,191.87	DR ***	

Code of Conduct and Conflict of Interest Policy for Use By State Authority, Board, Commission, and Committee Members

Purpose

The purpose of this code of conduct and conflict of interest policy ("Code") is to establish a set of ethical principles and guidelines for members of state authorities, boards, commissions, or committees when acting within their official public service capacity. This Code applies to all appointed and elected members of state authorities, boards, commissions, and committees (hereinafter "Boards" and "Board member(s)").

Conflict of Interest for Board Members

Board members may be subject to statutory restrictions specific to their Boards found in state and federal laws, rules and regulations. Those restrictions are beyond the scope of this Code. Board members should contact their appointing authority or the attorney for the Board for information regarding restrictions specific to their Board.

General Restrictions on Participation in Board Actions

A conflict of interest exists when a Board member has an interest in a matter that is different from the interest of members of the general public. Examples of circumstances which may create a conflict of interest include a personal or pecuniary interest in the matter or an existing or potential employment relationship with a party involved in the proceeding.

Whether or not a conflict of interest requires a Board member to abstain from participation in an official action of the Board depends upon the type of action involved. A Board's official actions are either quasi-judicial or quasi-legislative. A quasi-judicial official action is particular and immediate in effect, such as a review of an application for a license or permit. In order to participate in a quasi-judicial official action of the Board, a Board member must be disinterested and free from actual bias or an unacceptable risk of actual bias. A Board member must abstain from participation in the discussion and vote on a quasi-judicial official action of the Board if a reasonably-minded person could conclude that there is an unacceptable risk that the Board member has prejudged the matter or that the Board member's interest or relationship creates a potential to influence the member's impartiality.

A quasi-legislative official action, also referred to as a regulatory action, is general and future in effect. An example is rule-making. If the official action involved is quasi-legislative in nature, the Board member is not required to abstain from participation in the discussion and vote on the action

unless it is clear that the member has an unalterably closed mind on matters critical to the disposition of the action.

“Official action” means a decision, recommendation, approval, disapproval or other action which involves discretionary authority. A Board member who violates any of these restrictions may be subject to removal from the Board to which the member is appointed.

Contract Restrictions

There are federal and state laws, rules and regulations that address conflict of interest for elected and appointed Board members in the area of contracts. As an initial matter, a Board member may not solicit or accept any gift, favor, reward, or promise of reward, including any promise of future employment, in exchange for recommending, influencing or attempting to influence the award of or the terms of a state contract. This prohibition is absolute and cannot be waived.

Members of certain Boards are required to comply with additional conflict of interest provisions found in SDCL Chapter 3-23 and are required to make an annual disclosure of any contract in which they have or may have an interest or from which they derive a direct benefit. The restrictions apply for one year following the end of the Board member’s term. The Boards impacted by these laws are enumerated within SDCL 3-23-10. For more information on these provisions, see the State Authorities/Boards/Commissions page in the Legal Resources section of the Attorney General’s website at: <http://atg.sd.gov/legal/opengovernment/authorityboardcommission.aspx>.

Absent a waiver, certain Board members are further prohibited from deriving a direct benefit from a contract with an outside entity if the Board member had substantial involvement in recommending, awarding, or administering the contract or if the Board member supervised another state officer or employee who approved, awarded or administered the contract. With the exception of employment contracts, the foregoing prohibition applies for one year following the end of the Board member’s term. However, the foregoing prohibition does not apply to Board members who serve without compensation or who are only paid a per diem. See SDCL 5-18A-17 to 5-18A-17.6. For more information on these restrictions see the Conflict of Interest Waiver Instructions and Form on the South Dakota Bureau of Human Resources website at: <http://bhr.sd.gov/forms/>.

Other federal and state laws, rules and regulations may apply to specific Boards. For general questions regarding the applicability of SDCL Chapter 3-23 or other laws, a Board member may contact the attorney for the Board. However, because the attorney for the Board does not represent the Board member in his or her individual capacity, a Board member should contact a private attorney if the member has questions as to how the conflict of interest laws apply to the Board member’s own interests and contracts.

Consequences of Violations of Conflict of Interest Laws

A contract entered into in violation of conflict of interest laws is voidable and any benefit received by the Board member is subject to disgorgement. In addition, a Board member who violates conflict of interest laws may be removed from the Board and may be subject to criminal prosecution. For example, a Board member may be prosecuted for theft if the member knowingly

uses funds or property entrusted to the member in violation of public trust and the use resulted in a direct financial benefit to the member. See SDCL 3-16-7, 5-18A-17.4, and 22-30-46.

Retaliation for Reporting

A Board cannot dismiss, suspend, demote, decrease the compensation of, or take any other retaliatory action against an employee because the employee reports, in good faith, a violation or suspected violation of a law or rule, an abuse of funds or abuse of authority, a substantial and specific danger to public health or safety, or a direct criminal conflict of interest, unless the report is specifically prohibited by law. SDCL 3-16-9 & 3-16-10.

Board members will not engage in retaliatory treatment of an individual because the individual reports harassment, opposes discrimination, participates in the complaint process, or provides information related to a complaint. See SDCL 20-13-26.

Anti-Harassment/Discrimination Policy

While acting within their official capacity, Board members will not engage in harassment or discriminatory or offensive behavior based on race, color, creed, religion, national origin, sex, pregnancy, age, ancestry, genetic information, disability or any other legally protected status or characteristic.

Harassment includes conduct that creates a hostile work environment for an employee or another Board member. This prohibition against harassment and discrimination also encompasses sexual harassment. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexually harassing nature, when: (1) submission to or rejection of the harassment is made either explicitly or implicitly the basis of or a condition of employment, appointment, or a favorable or unfavorable action by the Board member; or (2) the harassment has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Harassment or discriminatory or offensive behavior may take different forms and may be verbal, nonverbal, or physical in nature. To aid Board members in identifying inappropriate conduct, the following examples of harassment or discriminatory or offensive behavior are provided:

- Unwelcome physical contact such as kissing, fondling, hugging, or touching;
- Demands for sexual favors; sexual innuendoes, suggestive comments, jokes of a sexual nature, sexist put-downs, or sexual remarks about a person's body; sexual propositions, or persistent unwanted courting;
- Swearing, offensive gestures, or graphic language made because of a person's race, color, religion, national origin, sex, age or disability;
- Slurs, jokes, or derogatory remarks, email, or other communications relating to race, color, religion, national origin, sex, age, or disability; or
- Calendars, posters, pictures, drawings, displays, cartoons, images, lists, e-mails, or computer activity that reflects disparagingly upon race, color, religion, national origin, sex, age or disability.

The above cited examples are not intended to be all-inclusive.

A Board member who is in violation of this policy may be subject to removal from the Board.

Confidential Information

Except as otherwise required by law, Board members shall not disclose confidential information acquired during the course of their official duties. In addition, members are prohibited from the use of confidential information for personal gain.

Reporting of Violations

Any violation of this Code should be reported to the appointing authority for the Board member who is alleged to have violated the Code.