

Meeting Agenda
SOUTH DAKOTA ATHLETIC COMMISSION

via [Zoom](#)

OR

Call-In: 1-312-626-6799
Meeting ID: 869 2275 1838
Passcode: 707169

Friday, May 13, 2022, Noon (CDT)

Proposed Agenda

- A. Call to Order
- B. Approval of the Agenda
- C. Open Forum: 5 minutes for the public to address the Commission
- D. Approval of Meeting Minutes: January 28, 2022, and February 9, 2022
- E. Financial Report as of April 30, 2022
- F. Executive Session pursuant to SDCL 1-25-2(3) and (4) to consult with legal counsel regarding proposed or pending litigation and preparing for contract negotiations
- G. Old Business
 - 1) Approved Event Updates
 - i. MMA 2022-01 (Rapid City)
 - ii. BOX 2022-01 (Deadwood)
 - iii. MMA 2022-02 (Sioux Falls)
 - iv. MMA 2022-03 (Sioux Falls)
 - 2) BoxRec and MMA Registry Access for Commissioners Update
 - 3) COVID-19 Policies Review
 - 4) Agreed-Upon Procedures Audit Update
 - 5) Administrative Rule Change Process and Timeline
- H. New Business
 - 1) Annual Conflict of Interest Disclosure Form
 - 2) Commission Suspension Policy Review
 - 3) Event Applications
 - 4) Executive Services Contract Renewal
- I. Other Business
- J. Announcements
- K. Adjourn

Meeting Minutes
SOUTH DAKOTA ATHLETIC COMMISSION
Via Teleconference
January 28, 2022 12:00 p.m. CST

Chairman Kilmer called the meeting to order at 12:13 p.m. A quorum was present.

Members Present Electronically: Mike Kilmer, Richard Little, George Giovanis, Verle Valentine

Others Present via Telephone: Jennifer Stalley, executive secretary; Amber Mulder, Department of Labor, Legal Counsel, Karen Cudmore, and Tom Allstot

Little made a motion to approve the agenda. Giovanis seconded the motion. **MOTION PASSED.**

Kilmer asked for any public comments. No comments were offered.

Valentine made a motion to approve the October 15, 2021 commission meeting minutes under the signature of Commissioner Little. Giovanis seconded the motion. **MOTION PASSED.**

Valentine made a motion to approve the December 30, 2021 commission meeting minutes. Giovanis seconded the motion. **MOTION PASSED.**

Little made a motion to accept the December 31, 2021 financial report. Giovanis seconded the motion. **MOTION PASSED.**

Valentine made a motion to go into executive session for the purpose of consulting with legal counsel regarding proposed or pending litigation at 12:31 pm. Giovanis seconded the motion. **MOTION PASSED.**

Kilmer declared the Commission out of executive session at 12:44 pm.

Govanis made a motion to repeal the Commission's requirements for COVID-19 testing for competitors, corners and officials at approved events. The motion failed for lack of a second.

Stalley informed the Commission arrangements to complete the agreed-upon procedures audit were progressing. A firm has been identified to conduct the audit and a letter of engagement will be secured from Eric Maas at the Woltman Group.

The Commission discussed the process for identifying and making changes to administrative rules. Commissioners agreed to submit recommendations or proposals for rule changes to Stalley for future consideration by the Commission.

Valentine moved to provide all Commissioners read-only access to the BoxRec and MMA registry databases and to continue to list the Commission office as the only contact for both databases. Giovanis seconded the motion. **MOTION PASSED.**

Stalley reviewed the requirements and process for the Commission to issue a federal identification card to a boxer or mixed martial artist.

Stalley explained the license approval requirements and process for the Commission.

Giovanis made a motion to approve an event request by B2Fighting League for a mixed martial arts event to be held on July 9, 2022, in Sioux Falls, South Dakota on the condition the promoter is properly licensed; the promoter provides proof of a \$20,000 surety bond or irrevocable line of credit; the promoter follows the Commission's COVID-19 testing policy; the promoter follows the Centers for Disease Control's guidance with regard to athlete recovery in the event of a positive COVID-19 test for the event; COVID-19 testing for Commission officials and representatives is provided to the Commission at the promoter's expense for the event; and the promoter complies with all the rules, regulations and deadlines of the Commission for the event. Little seconded the motion. **MOTION PASSED.**

Little made a motion to approve an event request by Legacy Fighting Alliance for a mixed martial arts event to be held on April 8, 2022, in Sioux Falls, South Dakota on the condition the promoter is properly licensed; the promoter follows the Commission's COVID-19 testing policy; the promoter follows the Centers for Disease Control's guidance with regard to athlete recovery in the event of a positive COVID-19 test for the event; COVID-19 testing for Commission officials and representatives is provided to the Commission at the promoter's expense for the event; and the promoter complies with all the rules, regulations and deadlines of the Commission for the event. Valentine seconded the motion. **MOTION PASSED.**

Kilmer noted the next Commission meeting is scheduled for April 8, 2022, at 12:00 p.m. via teleconference. The meeting may be held in person in Sioux Falls, but remote access will remain available.

Giovanis made a motion to adjourn the meeting at 1:47 pm. Valentine seconded the motion. **MOTION PASSED.**

Respectfully Submitted,

Richard Little, Secretary

Meeting Minutes
SOUTH DAKOTA ATHLETIC COMMISSION
Via Teleconference
February 9, 2022 12:30 p.m. CST

Chairman Kilmer called the meeting to order at 12:32 p.m. A quorum was present.

Members Present Electronically: Mike Kilmer, Richard Little, George Giovanis, Verle Valentine

Others Present Electronically: Jennifer Stalley, executive secretary; Amber Mulder, Department of Labor, Legal Counsel, and Tom Allstot

Valentine made a motion to approve the agenda. Giovanis seconded the motion. **MOTION PASSED.** Little was absent.

Kilmer asked for any public comments. No comments were offered.

Valentine made a motion to approve an event request by Holden Promotions for a boxing event to be held on March 11, 2022, in Deadwood, South Dakota, in conjunction with Showtime Boxing, on the condition the promoter is properly licensed; the promoter provides proof of a \$20,000 surety bond or irrevocable line of credit; the promoter follows the Commission's COVID-19 testing policy; the promoter follows the Centers for Disease Control's guidance with regard to athlete recovery in the event of a positive COVID-19 test for the event; COVID-19 testing for Commission officials and representatives is provided to the Commission at the promoter's expense for the event; and the promoter complies with all the rules, regulations and deadlines of the Commission for the event. Giovanis seconded the motion. **MOTION PASSED.**

Kilmer noted the next Commission meeting is scheduled for April 8, 2022, at 12:00 p.m. via teleconference. The meeting may be held in person in Sioux Falls, but remote access will remain available.

Little made a motion to adjourn the meeting at 12:37 pm. Giovanis seconded the motion. **MOTION PASSED.**

Respectfully Submitted,

Richard Little, Secretary

AGENCY: 10 LABOR & REGULATION
BUDGET UNIT: 1039 SOUTH DAKOTA ATHLETIC COMMISSION - INFO

COMPANY	CENTER	ACCOUNT	BALANCE	DR/CR	CENTER DESCRIPTION
6503	1039000887	1140000	132,287.93	DR	BOXING COMMISSION FUND
COMPANY/SOURCE TOTAL			132,287.93	DR *	
COMP/BUDG UNIT TOTAL			132,287.93	DR **	
BUDGET UNIT TOTAL			132,287.93	DR ***	

AGENCY 10 LABOR & REGULATION
BUDGET UNIT 1039 SOUTH DAKOTA ATHLETIC COMMISSION - INFO

CENTER	COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE
COMPANY NO 6503					
COMPANY NAME PROFESSIONAL & LICENSING BOARDS					
1039000887	6503	4293070	PROMOTER LICENSE	300.00	2,100.00
1039000887	6503	4293071	MATCHMAKER LICENSE	200.00	400.00
1039000887	6503	4293072	MANAGER LICENSE	.00	200.00
ACCT: 4293	BUSINESS & OCCUP LICENSING (NON-GOVERNMENTAL)			500.00	2,700.00 *
1039000887	6503	4299080	EVENT FEE	7,907.14	42,387.22
1039000887	6503	4299081	CONTESTANT REGIST FEE	800.00	5,175.00
1039000887	6503	4299082	JUDGE REGISTRATION FEE	50.00	900.00
1039000887	6503	4299083	REFEREE REGISTRATION FEE	50.00	450.00
1039000887	6503	4299084	SECOND REGISTRATION FEE	575.00	3,350.00
1039000887	6503	4299085	TIMEKEEPER REGIST FEE	.00	25.00
1039000887	6503	4299087	AMATEUR EXEMPTION FEE	.00	100.00
ACCT: 4299	OTHER LIC, PRMTS, & FEES (NON-GOVERNMENTAL)			9,382.14	52,387.22 *
ACCT: 42	LICENSES, PERMITS & FEES			9,882.14	55,087.22 **
1039000887	6503	4920045	NONOPERATING REVENUES	.00	2,055.57
ACCT: 4920	NONOPERATING REVENUE			.00	2,055.57 *
ACCT: 49	OTHER REVENUE			.00	2,055.57 **
CNTR: 1039000887				9,882.14	57,142.79 ***
COMP: 6503				9,882.14	57,142.79 ****
B UNIT: 1039				9,882.14	57,142.79 *****

BUDGET UNIT 1039

AVAILABLE FUNDS
AS OF: 04/30/2022
FY YEAR REMAINING: 17.0%
PAY DAYS REMAINING: 3

DATE 04/30/2022

CENTER NAME SOUTH DAKOTA ATHLETIC COMMISSION - INFO

COMP	ORIGINAL APPROPRIATION	APPROPRIATION TRANSFERS	YEAR-TO-DATE COMMITMENTS	YEAR-TO-DATE ENCUMBRANCES	YEAR-TO-DATE EXPENDITURES	AVAILABLE APPROPRIATIONS	CASH BALANCE
6503-I	59,251.00	0.00	0.00	15,077.95	40,716.95	3,456.10	132,287.93
BUDGETED TOT	59,251.00	0.00	0.00	15,077.95	40,716.95	3,456.10	
ALL COMP TOT	59,251.00	0.00	0.00	15,077.95	40,716.95	3,456.10	

TOTAL BUDGETED:

OBJECT OF EXPENDITURE	AMOUNT BUDGETED	COMMITMENTS YEAR-TO-DATE	ENCUMBRANCES YEAR-TO-DATE	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	BUDGET AVAILABLE	PCT AVL
5101 EMPLOYEE SALARIES	9,910.00	0.00	0.00	202.40	2,492.42	7,417.58	74.8
5102 EMPLOYEE BENEFITS	1,550.00	0.00	0.00	47.67	361.39	1,188.61	76.7
5203 TRAVEL	3,877.00	0.00	0.00	942.94	3,073.42	803.58	20.7
5204 CONTRACTUAL SVCS	42,814.00	0.00	15,077.95	10,647.16	34,551.61	6,815.56-	0.0
5205 SUPPLIES & MATRLS	1,100.00	0.00	0.00	30.27	238.11	861.89	78.4
TOTALS	59,251.00	0.00	15,077.95	11,870.44	40,716.95	3,456.10	5.8

BREAKOUT BY COMPANY:

COMPANY 6503-I PROFESSIONAL & LICENSING BOARDS

OBJECT OF EXPENDITURE	AMOUNT BUDGETED	COMMITMENTS YEAR-TO-DATE	ENCUMBRANCES YEAR-TO-DATE	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	BUDGET AVAILABLE	PCT AVL
5101000 EMPLOYEE SALARIES	9,910.00	0.00	0.00	202.40	2,492.42	7,417.58	74.8
5102000 EMPLOYEE BENEFITS	1,550.00	0.00	0.00	47.67	361.39	1,188.61	76.7
5203000 TRAVEL	3,877.00	0.00	0.00	942.94	3,073.42	803.58	20.7
5204000 CONTRACTUAL SVCS	42,814.00	0.00	15,077.95	10,647.16	34,551.61	6,815.56-	0.0
5205000 SUPPLIES & MATRLS	1,100.00	0.00	0.00	30.27	238.11	861.89	78.4
PS SUBTOTALS	11,460.00	0.00	0.00	250.07	2,853.81	8,606.19	75.1
OE SUBTOTALS	47,791.00	0.00	15,077.95	11,620.37	37,863.14	5,150.09-	0.0
COMPANY 6503-I TOT	59,251.00	0.00	15,077.95	11,870.44	40,716.95	3,456.10	5.8

STATE OF SOUTH DAKOTA
MONTHLY OBJECT/SUB-OBJECT REPORT BY BUDGET UNIT
FOR PERIOD ENDING: 04/30/2022

BA0215V1 04/30/2022

AGENCY	BUDGET UNIT	CENTER-5	COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE
10	LABOR & REGULATION						
1039	SOUTH DAKOTA ATHLETIC COMMISSION - INFO						
10390	SD ATHLETIC COMMISSION						
1039000887	5101	51010100	6503	F-T EMP SAL & WAGES	202.40	1,052.42	
1039000887	5101	51010300	6503	BOARD & COMM MBR FEES	.00	1,440.00	*
ACCT: 5101				EMPLOYEE SALARIES	202.40	2,492.42	
1039000887	5102	51020100	6503	OASI-EMPLOYER'S SHARE	24.56	198.86	
1039000887	5102	51020200	6503	RETIREMENT-ER SHARE	12.19	63.19	
1039000887	5102	51020600	6503	HEALTH/LIFE INS.-ER SHARE	10.30	97.30	
1039000887	5102	51020800	6503	WORKER'S COMPENSATION	.64	2.00	
1039000887	5102	51020900	6503	UNEMPLOYMENT COMPENSATION	.02	.04	
ACCT: 5102				EMPLOYEE BENEFITS	47.67	361.39	*
ACCT: 51				PERSONAL SERVICES	250.07	2,853.81	**
1039000887	5203	52030300	6503	AUTO-PRIV (IN-ST.) H/RTE	433.44	1,417.92	
1039000887	5203	52031000	6503	LODGING/IN-STATE	253.50	997.50	
1039000887	5203	52031400	6503	TAXABLE MEALS/IN-STATE	122.00	122.00	
1039000887	5203	52031500	6503	NON-TAXABLE MEALS/IN-ST	134.00	536.00	
ACCT: 5203				TRAVEL	942.94	3,073.42	*
1039000887	5204	52040200	6503	DUES & MEMBERSHIP FEES	.00	205.00	
1039000887	5204	52040900	6503	MANAGEMENT CONSULTANT	1,070.59	10,680.81	
1039000887	5204	52041810	6503	BIT DEVELOPMENT COSTS	.00	144.40	
1039000887	5204	52042000	6503	CENTRAL SERVICES	188.21	1,629.71	
1039000887	5204	52045900	6503	INS PREMIUMS & SURETY BDS	914.50	914.50	
1039000887	5204	52049600	6503	OTHER CONTRACTUAL SERVICE	8,473.86	20,977.19	
ACCT: 5204				CONTRACTUAL SERVICES	10,647.16	34,551.61	*
1039000887	5205	52053500	6503	POSTAGE	30.27	238.11	
ACCT: 5205				SUPPLIES & MATERIALS	30.27	238.11	*
1039000887	5228	52280000	6503	OPER TRANS OUT -NON BUDGT	27.49	122.13	
ACCT: 5228				NONOP EXP/NONBGTD OP TR	27.49	122.13	*
ACCT: 52				OPERATING EXPENSES	11,647.86	37,985.27	**
COMP: 6503				PROFESSIONAL & LICENSING BOARDS	11,897.93	40,839.08	***
CENTER: 1039000887					11,897.93	40,839.08	****
B UNIT: 1039					11,897.93	40,839.08	*****

STATE OF SOUTH DAKOTA
MONTHLY EXPENDITURE REPORT
FOR PERIOD ENDING: 04/30/2022

AGENCY 10 LABOR & REGULATION
BUDGET UNIT 1039 SOUTH DAKOTA ATHLETIC COMMISSION - INFO
CENTER-5 10390 SD ATHLETIC COMMISSION

COMP	CENTER	ACCOUNT	DOCUMENT NUMBER	POSTING DATE	JV APPVL # OR PAYMENT #	SHORT NAME	VENDOR NUMBER	VENDOR GROUP	AMOUNT	DR/CR
COMPANY NO 6503										
COMPANY NAME PROFESSIONAL & LICENSING BOARDS										
6503	1039000887	51010100	CGEX220328	04/01/2022					45.62	DR
6503	1039000887	51010100	CGEX220413	04/15/2022					62.30	DR
6503	1039000887	51010100	CGEX220427	04/30/2022					94.48	DR
OBJSUB: 5101010 F-T EMP SAL & WAGES										
OBJECT: 5101 EMPLOYEE SALARIES										
6503	1039000887	51020100	CGEX220328	04/01/2022	907997				3.39	DR
6503	1039000887	51020100	CGEX220405	04/06/2022	907990				5.20	DR
6503	1039000887	51020100	CGEX220405	04/06/2022					4.13	DR
6503	1039000887	51020100	CGEX220413	04/15/2022					4.73	DR
6503	1039000887	51020100	CGEX220427	04/30/2022					7.11	DR
OBJSUB: 5102010 OASI-EMPLOYER'S SHARE										
6503	1039000887	51020200	CGEX220328	04/01/2022					24.56	DR
6503	1039000887	51020200	CGEX220413	04/15/2022					2.78	DR
6503	1039000887	51020200	CGEX220427	04/30/2022					3.75	DR
6503	1039000887	51020200	CGEX220427	04/30/2022					5.66	DR
OBJSUB: 5102020 RETIREMENT-ER SHARE										
6503	1039000887	51020600	CGEX220328	04/01/2022					12.19	DR
6503	1039000887	51020600	CGEX220413	04/15/2022					2.65	DR
6503	1039000887	51020600	CGEX220413	04/30/2022					3.52	DR
6503	1039000887	51020600	CGEX220427	04/30/2022					4.13	DR
OBJSUB: 5102060 HEALTH/LIFE INS.-ER SHARE										
6503	1039000887	51020800	CGEX220328	04/01/2022					10.30	DR
6503	1039000887	51020800	CGEX220413	04/15/2022					.07	DR
6503	1039000887	51020800	CGEX220413	04/30/2022					.13	DR
6503	1039000887	51020800	CGEX220427	04/30/2022					.44	DR
OBJSUB: 5102080 WORKER'S COMPENSATION										
6503	1039000887	51020900	CGEX220328	04/01/2022					.64	DR
6503	1039000887	51020900	CGEX220413	04/15/2022					.01	CR
6503	1039000887	51020900	CGEX220413	04/30/2022					.01	CR
OBJSUB: 5102090 UNEMPLOYMENT COMPENSATION										
OBJECT: 5102 EMPLOYEE BENEFITS										
GROUP: 51 PERSONAL SERVICES										
6503	1039000887	52030300	CGEX220405	04/06/2022	907990				47.67	DR
6503	1039000887	52030300	CGEX220405	04/06/2022	907997				250.07	DR
6503	1039000887	52030300	CGEX220428	04/30/2022	925221				80.64	DR
6503	1039000887	52030300	CGEX220428	04/30/2022					25.20	DR
6503	1039000887	52030300	CGEX220428	04/30/2022					327.60	DR
OBJSUB: 5203030 AUTO-PRIV (IN-ST.) H/RTE										
6503	1039000887	52031000	CGEX220428	04/30/2022	925221				433.44	DR
6503	1039000887	52031000	CGEX220428	04/30/2022					253.50	DR
OBJSUB: 5203100 LODGING/IN-STATE										
6503	1039000887	52031400	CGEX220405	04/06/2022	907997				253.50	DR
6503	1039000887	52031400	CGEX220405	04/06/2022	907990				68.00	DR
6503	1039000887	52031400	CGEX220405	04/06/2022					54.00	DR
OBJSUB: 5203140 TAXABLE MEALS/IN-STATE										
6503	1039000887	52031400	CGEX220405	04/06/2022	907997				122.00	DR
6503	1039000887	52031400	CGEX220405	04/06/2022	907990				68.00	DR
6503	1039000887	52031400	CGEX220405	04/06/2022					54.00	DR

STATE OF SOUTH DAKOTA
MONTHLY EXPENDITURE REPORT
FOR PERIOD ENDING: 04/30/2022

AGENCY 10 LABOR & REGULATION
BUDGET UNIT 1039 SOUTH DAKOTA ATHLETIC COMMISSION - INFO
CENTER-5 10390 SD ATHLETIC COMMISSION

COMP	CENTER	ACCOUNT	DOCUMENT NUMBER	POSTING DATE	JV APPVL #, OR PAYMENT #	SHORT NAME	VENDOR NUMBER	VENDOR GROUP	AMOUNT	DR/ CR
6503	1039000887	52031500	CGEX220428	04/30/2022	925221				134.00	DR
	OBJSUB:	5203150	NON-TAXABLE MEALS/IN-ST						134.00	DR *
	OBJECT:	5203	TRAVEL						942.94	DR **
6503	1039000887	52040900	22-1000-001 1847	04/22/2022	00784216	MIDWESTSOL	12199902		1,070.59	DR
	OBJSUB:	5204090	MANAGEMENT CONSULTANT						1,070.59	DR *
	OBJECT:	52042000	PL203066	04/13/2022					110.21	DR
	OBJECT:	52042000	RM203058	04/08/2022					78.00	DR
6503	1039000887	52045900	CENTRAL SERVICES	04/13/2022					188.21	DR *
	OBJECT:	52045900	CS203040	04/13/2022					89.50	DR
	OBJECT:	52045900	PE203040	04/13/2022					825.00	DR
6503	1039000887	52049600	INS PREMIUMS & SURETY BDS	04/22/2022	00784216	MIDWESTSOL	12199902		914.50	DR *
	OBJSUB:	52049600	22-1000-001 1847	04/22/2022	00784216	MIDWESTSOL	12199902		8,473.86	DR
	OBJSUB:	5204960	OTHER CONTRACTUAL SERVICE						8,473.86	DR *
	OBJECT:	5204	CONTRACTUAL SERVICES						10,647.16	DR **
	OBJECT:	52053500	MS203051	04/27/2022					30.27	DR
6503	1039000887	52053500	POSTAGE	04/06/2022					30.27	DR *
	OBJECT:	5205	SUPPLIES & MATERIALS						30.27	DR **
	OBJECT:	52053500	T102-126						27.49	DR
6503	1039000887	5228000	OPER TRANS OUT -NON BUDGT						27.49	DR *
	OBJECT:	5228	NONOP EXP/NONBGTD OP TR						27.49	DR **
	GROUP:	52	OPERATING EXPENSES						11,647.86	DR ***
	COMP:	6503							11,897.93	DR ****
	CNTR:	1039000887							11,897.93	DR *****
	B. UNIT:	1039							11,897.93	DR *****

South Dakota Athletic Commission COVID-19 related policies (revised 4/30/2021)

The South Dakota Athletic Commission requires the following COVID-19 related adaptations to its requirements for a mixed martial arts, boxing or kickboxing event:

COVID-19 Testing

All competitors, corners, and officials must have a negative COVID-19 test within 72 hours of the event. The acceptable methods to meet this testing requirement are a PCR test or antigen test.

A competitor, corner, or official is not required to provide a negative COVID-19 test if, the competitor, corner or officials has:

- a. Proof of COVID-19 antibodies within 90 days of the event; or
- b. Proof of a COVID-19 diagnosis in the 90 days prior to the event and has a physician's statement of recovery.

Event Set Up and Operations

The required perimeter between the cage/ring and spectators may be expanded at the direction of the Commission, depending on the venue, to ensure proper distancing between the competitors, officials and spectators.

All competitors and corners are to remain in the assigned locker room upon arrival at the venue.

Venue Capacity and Restrictions

The approved event venue is responsible to determining the number of spectators and conditions for attendance by spectators at the venue.

Promoters and event venues are encouraged to ask spectators to wear masks and maintain social distancing consistent with the Centers for Disease Control's recommendations.

Application of Commission COVID-19 Policies

The Commission's COVID-19 conditions for an approved event are subject to change without notice.

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 minimum ethical principles and guidelines for members of state authorities, boards, commissions, or committees when acting within their official public service capacity. With the exception of those under the purview of the Unified Judicial System, this Code applies to all appointed and elected members of state authorities, boards, commissions, and committees (hereinafter “Boards” and “Board member(s)”). A Board may add provisions to, or modify the provisions of, the Code. However, any change that constitutes a substantive omission from the Code must be approved by the State Board of Internal Control.

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 administrative, 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.

Administrative actions involve the day-to-day activities of the Board and include personnel, financing, contracting and other management actions. Most of the administrative official actions of a Board are done through the Board's administrative staff. To the extent Board members are involved, the conflict of interest concern most frequently arises in the area of state contracting which is addressed in more detail below. If issues arise that are not directly addressed by this Code, the Board member should consult with the attorney for the Board.

"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.

This Code of Conduct and Conflict of Interest Policy was adopted by the State Board of Internal Control pursuant to SDCL § 1-56-6.

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;
- 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

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

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.

4. Pursuant to Section 17(c) of the Professional Boxing Safety Act of 1996, no officer or employee of a sanctioning organization may receive any compensation, gift, or benefit, directly or indirectly, from a promoter, boxer or manager, unless compensation is receipt of payment by a promoter, boxer, or manager of a sanctioning organization's published fee for sanctioning a professional boxing match or reasonable expenses in connection therewith if the payment is reported to the responsible boxing commission; or the receipt of a gift or benefit of de minimis value.

By my signature below, I affirm that while serving in my capacity as a Member of the South Dakota Athletic Commission, I receive no compensation, gift, or benefit, directly or indirectly, from a promoter, boxer or manager prohibited under Section 17(c) of the Professional Boxing Safety Act of 1996.

Signature of Member: _____ Date: _____

South Dakota Athletic Commission Suspension Process

All fighters are automatically suspended for at least 7 days after competing by administrative rule.

The Commission adopted a policy that fighters who lose are suspended for 30 days, with limited exceptions, on a case-by-case basis. Fighters who are knocked out or who have a medical issue identified by the ringside physician are suspended until medically cleared.

It is possible for a winning fighter to be suspended for more than 7 days depending on the circumstances of the fight.