

SOUTH DAKOTA OPEN MEETING COMMISSION

SUMMARY PROCEDURE

Once the Open Meetings Commission has received a submission of a state's attorney, the Commission may summarily handle of complaints if necessary for the following reasons:

1. **The Commission lacks jurisdiction.** Any filing that does not include a complaint filed pursuant to SDCL 1-25-6 and SDCL 23A-2-1 will automatically be rejected by the Commission. Such rejection is without prejudice. A new complaint may later be filed in the proper form and accepted for consideration by the Commission
2. **The public entity has admitted a violation of the Open Meetings Law occurred.** At any point in the proceeding, a public entity may admit that a violation occurred. If so, there is no reason to continue with Commission proceedings. In such cases, any Commission member may recommend that a summary reprimand be issued and that no further proceedings be held. In such case, the recommendation will be circulated in writing to other Commission members for written agreement (electronic or otherwise). Upon receipt of written consent by a majority of the Commission members, the summary reprimand (and written consent of board members) will be issued and will be public.
3. **The allegations are controlled by the plain meaning of the open meeting statutes.** If a situation is controlled by the plain meaning of the statute, a Commission member may recommend summary disposition (determination to issue or deny a reprimand) and circulate such recommendation. The procedure will be the same as that set forth above in paragraph 2.
4. **Additional investigation is required.** Any filing where additional investigation is required may be summarily returned to the State's Attorney involved. In such cases, any Commission member may recommend that a case be stayed pending additional investigation. In such case, the recommendation must be circulated to the Commission members. If a majority of the Commission concurs, the stay will be issued, sent to the parties involved, and posted. The matter will remain pending with the Commission until the new evidence is submitted.