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February 7, 2022

South Dakota House of Representatives
500 E. Capitol Avenue
Pierre, SD 57501

Re: Impeachment Investigation Confidentiality Procedures

Dear Members of the South Dakota House of Representatives:

Pursuant to House Resolution 7001, the House Select Committee shall investigate whether the conduct of Jason Ravnsborg, Attorney General of the State of South Dakota, surrounding the death of Joe Boever, involved impeachable offenses pursuant to S.D. Const. Art. XVI, §3. In connection with the House impeachment investigation proceedings, House members will be allowed non-public access, under certain conditions, to confidential investigative files and other confidential information gathered by the House Select Committee. Such materials are not public documents under SDCL § 1-27-1.5. Much of the materials contain sensitive and/or confidential information, are irrelevant to these proceedings, or may contain information protected under the work-product protection or attorney-client privilege.

As a condition of access to the confidential materials described above, House Members agree to treat all such information as Confidential Material. "Confidential Material" means any information, data, knowledge, or legal advice gathered by the House Select Committee, regardless of form or manner of request or receipt, whether disclosed to House Members directly or indirectly, and whether disclosed or learned in writing, orally, or through visual means or observation.

Before being given non-public access to Confidential Material, you hereby agree that Confidential Material will not be disclosed or discussed in any manner with the public, the media, or anyone other than House Members, LRC counsel, and special counsel unless that information was previously made public and is not currently restricted by a court. By obtaining access, you agree that no camera, cell phone, or other method of recording or duplication will be used to capture or retain Confidential Material.

Any violation of these confidentiality provisions may violate Joint Rule Chapter 1B, Legislative Code of Conduct, including but not limited to 1B-1 on Maintaining Ethical Standards (requiring members to "maintain the highest of moral and ethical standards") which may constitute grounds for discipline under House Rules Chapter 6.

In the event any House Member becomes legally compelled or otherwise obligated to disclose any Confidential Material, (a) he or she will provide the Speaker of the House with prompt written notice thereof for the purpose of enabling the Speaker or House Select Committee to seek a protective order or other appropriate remedy prior to compliance with such legal process; and thereafter, (b) he or she will disclose only that portion of the Confidential Material as advised by written opinion of special counsel or as ordered by the court.

The obligations of confidentiality contained herein are in addition to, and not in limitation of, any other applicable legal restrictions upon the use and disclosure of the Confidential Material.

Sincerely yours,

Sara Frankenstein