



## 2022 South Dakota Legislature

# House Resolution 7004

Introduced by: **Representative Mills**

1 **A RESOLUTION, Addressing the Governor's unacceptable actions in matters related**  
 2 **to the appraiser certification program.**

3 WHEREAS, S.D. Const., Art. VI, § 27, provides that the blessings of a free government  
 4 can only be maintained by a firm adherence to justice, moderation, temperance, frugality,  
 5 and virtue and by frequent recurrence to fundamental principles; and

6 WHEREAS, any person elected by the people to serve in a public office in this state must  
 7 raise his or her right hand and pledge, in public, to support the Constitution of this state and  
 8 the Constitution of the United States; and

9 WHEREAS, the words of the South Dakota Constitution, combined with the public oaths of  
 10 office, constitute clear evidence that South Dakotans expect their elected office holders to  
 11 adhere to the highest moral and ethical standards; and

12 WHEREAS, persons selected by elected officials to serve in governmental positions of  
 13 authority are likewise bound to adhere to the highest moral and ethical standards; and

14 WHEREAS, in November 2018, Kristi Noem was elected as the Governor of this state—the  
 15 highest position in state government—and thereafter appointed Marcia Hultman to serve as  
 16 the secretary of the Department of Labor and Regulation; and

17 WHEREAS, the state appraiser certification program, which is under the auspices of the  
 18 Department of Labor and Regulation, had Sherry Bren serve as director, from the inception  
 19 of the program in 1991, until her departure in March 2021; and

20 WHEREAS, inquiries in recent months have discovered the following:

21 (1) The Governor's daughter sought licensure as an appraiser and was twice denied  
 22 for failing to meet the licensure requirements;

1       (2) On July 27, 2020, following a second licensure denial, the Governor held a meeting  
2       at the Governor's mansion, which was attended by the Governor, Secretary  
3       Hultman, Sherry Bren, the Governor's daughter, and other members of the  
4       Governor's staff;

5       (3) At the meeting on July 27, 2020, the denial of licensure to the Governor's daughter  
6       was discussed;

7       (4) Following the meeting on July 27, 2020, individuals under the direction of the  
8       secretary or the Governor, other than Sherry Bren, prepared a stipulation  
9       agreement that was dated August 7, 2020, and which provided the Governor's  
10      daughter with an irregular third opportunity to meet the appraisal licensure  
11      standards; and

12      (5) In November 2020, the Governor's daughter was granted licensure as an  
13      appraiser; and

14      WHEREAS, on December 14, 2021, at a meeting of the Government Operations and Audit  
15      Committee, Sherry Bren testified that she was "nervous and quite frankly intimidated" during  
16      the July 27, 2020, meeting with the Governor at the mansion and that she was "not advised  
17      of any changes [that she] needed to make to the appraiser certification program" at that  
18      meeting; and

19      WHEREAS, in November 2020, shortly after licensure was granted to the Governor's  
20      daughter, Sherry Bren was asked to retire and did so unwillingly, in March 2021; and

21      WHEREAS, under subpoena, Sherry Bren testified that during her thirty-year term of  
22      employment with the State of South Dakota, she had no negative performance evaluations;  
23      and

24      WHEREAS, Sherry Bren filed an age discrimination complaint as a result of her forced  
25      retirement; and

26      WHEREAS, the matter was settled upon the signing of a non-disparagement agreement  
27      and a payment in the amount of two hundred thousand dollars to Sherry Bren; and

28      WHEREAS, the state of South Dakota incurred significant legal and administrative  
29      expenses as a result of these events, and has been detrimentally impacted by the actions of  
30      the Governor and government officials in this case:

1        NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Ninety-  
2 Seventh Legislature of the State of South Dakota, that in the opinion of the House, the actions  
3 of the Governor in this case were unacceptable, were injurious to the people of South Dakota,  
4 resulted in an unnecessary expenditure of state tax dollars, and were detrimental to the  
5 morale and steadfast dedication of our hard-working state employees; and

6        BE IT FURTHER RESOLVED, that in the opinion of the House, the actions of the Governor  
7 failed to meet the expectations that South Dakotans have of their leaders, nor do they  
8 comport with the words of our Constitution or the spirit of the Governor's oath of office.