

Prison Inmates Collected \$156K

LINCOLN, Neb. (AP) — Nebraska state officials say prison inmates collected more than \$156,000 in unemployment benefits because of miscommunication among agencies.

The departments announced Thursday that more than 180 inmates claimed benefits between 2013 and 2015, despite a law that prohibits them from doing so. One inmate received \$4,300 in unemployment benefits.

The Department of Labor says it previously wasn't able to tell when a person was incarcerated, but the agency has launched a new crackdown effort with the Department of Correctional Services and the Nebraska Crime Commission.

Commissioner of Labor John Albin says the state will recover the money through wage levies or by offsetting tax refunds.

Claimants who fraudulently collect unemployment benefits are responsible for paying back the benefits plus a 15 percent penalty, and may face prosecution.

Groups In 4 States Against Pipeline

DES MOINES, Iowa (AP) — A group of organizations from Illinois, Iowa, North Dakota and South Dakota are speaking out as a unified coalition against the proposed Bakken Oil Pipeline project.

The organizations include environmental groups Food and Water Watch and Shawnee Forest Sentinels and social action groups Dakota Rural Action and Iowa Citizens for Community Improvement.

They want each state's utility regulators to consider testimony and evidence from the other affected states and to look at the financial status of Energy Transfer Partners, the parent company behind the pipeline project. The coalition points out that the company self-insures against accidents and declares in its recent annual report it may not have adequate reserves to cover all future liabilities including known contamination.

Capital One Closing Sioux Falls Office

SIoux FALLS (AP) — Capital One is pulling its offices out of Sioux Falls, affecting about 750 South Dakota residents it employs here, the Virginia-based credit card company announced Thursday.

Employees were told that the company will close its offices in South Dakota's largest city by the end of the year.

Spokeswoman Julie Rakes said the "difficult decision" will allow Capital One Financial Corp. to move its work to other locations within its network.

"Capital One is shifting our call center strategy to allow us to become nimble, flexible and scalable to meet our customer needs," Rakes said.

Employees can apply for other jobs within the company or it will help them find new jobs, the company said. It will also offer severance packages.

Most of the employees at the Sioux Falls location are customer service representatives, although there also are positions in the back office or that support human resources, information technology and project staff for the company's operations worldwide.

Bob Barse, who works in the company's specialty operations in the back office, said he and other employees were stunned by the announcement.

"I came into work today and found out we were having some sort of meeting," Barse, 30, told the *Argus Leader*. "It came out of the blue. A lot of people were shocked."

Capital One said it has had too much turnover and has had a hard time filling open positions, KELO-TV reported.

Barse said he had no ill feelings toward the company, noting that it paid well and was offering a generous severance package.

"Honestly, it's been a great company to work for the last three years," he said. "I can't say anything bad about them."

Trial Of Man Accused Of Harassment

RAPID CITY (AP) — The trial of a South Dakota man accused of harassing American Indian children with racial slurs and spilling beer on them at a hockey game ended Thursday but a judge said he won't issue a decision for several weeks.

Trace O'Connell pleaded not guilty to a disorderly conduct charge in Rapid City. The January incident spurred protests by Native Americans in South Dakota's second-largest city, with critics saying the charge was too lenient.

Magistrate Judge Eric Strawn said Thursday that it may take three to four weeks before he reaches a decision in the case. He said he recognizes the importance of the trial to everyone involved and will write a lengthy decision.

O'Connell was among about 20 people in a suite at the hockey game. Seated directly below the suite was a group of 50 students and seven adult chaperons from American Horse School, which is in the town of Allen on the Pine Ridge Indian Reservation.

The trial ended quickly after Michael Butler, O'Connell's attorney, called no witnesses, and both sides proceeded to closing arguments. City Attorney Joel Landeen called 12 witnesses Wednesday.

Butler argued Thursday the city is trying to hold his client accountable for the actions of the entire group he was with. He said there is no evidence that shows O'Connell spoke to a single child in the group.

Landeen told the court that O'Connell did spray beer, that it was not an accident and that, at minimum, it was reckless.

Activists have protested the leniency of O'Connell's disorderly conduct charge under city code. The judge's decision to remove the possibility of jail time as a penalty also spurred anger from activists. Without jail time the maximum penalty is a fine of up to \$500.

Supporters of the American Indian students said they weren't happy with how the trial played out and criticized the prosecution.

"The public certainly doesn't feel that any justice has been served and ... it would be appropriate to either call a mistrial or to have a re-hearing with an independent prosecutor because we just don't feel that justice has been served," Chase Iron Eyes, a Native American attorney and advocate from the Standing Rock Sioux Reservation, told KOTA-TV.

Hospital Loses Funding For New Patients

WINNEBAGO, Neb. (AP) — Medicare funding for new patients ended Thursday at a troubled Nebraska hospital where, according to a federal report, inadequate treatment resulted in one death this year and harm to at least nine other patients.

Spokesman Bob Moos for the Centers for Medicare & Medicaid Services said payments may continue for up to 30 days for current patients at the Winnebago Indian Health Service Hospital in Winnebago.

The hospital was warned in a July 8 letter that funding would be terminated because the hospital "no longer meets the requirements for participation in the Medicare program because of deficiencies that represent an immediate jeopardy to patient health and safety."

Spokeswoman Theresa Eisenman for the Indian Health Service, which operates the hospital, declined Thursday to speculate on whether federal funding for new patients will be restored. But she said that the service has sent to the oversight agency a plan that includes medical oversight of care, outsourcing management of the emergency department to a new single provider while permanent providers are being recruited and hired, and contracting with an independent consultant expert to review the entire hospital operations.

A report in May, done by a survey team, cited the case of a patient who told hospital staffers about extreme back pain on Dec. 30, 2014. He was sent home. A hospital staff member then left him a voicemail telling him his kidneys were failing, but the staffer did not attempt to make additional contact, the report said. The patient died Jan. 1 at his sister's house.

The report also recounted what officials said was inadequate treatment and extended care for nine other randomly selected patients. Among them was a 28-year-old pregnant woman who was discharged April 12 and told to drive to a Sioux City, Iowa, hospital after staffers could not find a fetal heart tone.

Moos said the hospital repeatedly has not met federal health and safety guidelines since 2011. The hospital staved off a threat to its Medicare and Medicaid funding last year after it was presented with a 14-page list of mandatory corrections.

Lawmaker Wants Broader Ban Against Sales From Abortions

BY BOB MERCER
State Capitol Bureau

PIERRE — Since 1993 South Dakota has prohibited the use for research or transplantation of any unborn or newborn child or any organ or tissue from the child who has been subject to an induced abortion. But a South Dakota legislator wants a stronger ban.

Rep. Fred Deutsch, R-Florence, said Wednesday evening he will submit legislation in the 2016 session "that clarifies it is illegal to transact, barter or in any way engage in the sale of fetal body parts or tissues from elective abortions."

Deutsch said he would seek to make a violation a Class 6 felony subject to two years in prison and a \$4,000 fine.

His comments came amid a national controversy unfolding over Planned Parenthood's involvement in providing fetal materials for federally funded research.

He recently returned from a National Right To Life Committee meeting where presidential candidates spoke July 10. He announced July 20 on Twitter that he would attempt to ban abortions in South Dakota after 20 weeks similar to Wisconsin and 14 other states.

Deutsch said Wednesday he was already familiar with South Dakota's existing law banning fetal tissue or organs for research or transplants.

"That's a bit different than restricting the sale of the tissue or organ. Perhaps my bill will be considered overkill, but my intention is to make it

absolutely clear selling body parts from elective abortions is illegal in South Dakota," Deutsch said.

He said his proposal could have broad support.

"Regardless of one's position on the issue of life verse choice, I believe most South Dakotans would agree that the sale of fetal body parts is both gruesome and revolting," he said in an email.

Deutsch, a chiropractor and advocate for K-12 education, posted a photo on Twitter on June 24 from a meeting of the South Dakota Right To Life Committee with the description, "Probably the most important board I've ever served on."

Rogue DQ Makes Up Own Rules For Ice Cream Treats

BY DAVE KOLPACK
Associated Press

MOORHEAD, Minn. — The Dairy Queen in downtown Moorhead has been thumbing its nose at corporate HQ pretty much since it opened in 1949, despite some efforts from the home office to have the store mind its Ds and Qs.

And it's a recipe that seems to be working for one of the few DQs in the country still operating under a 66-year-old contract that allows them to dish up throwback treats alongside the standard corporate-approved items, a combination that turns Main Avenue and 8th Street into a hopping, slightly retro summer hangout.

Though the restaurant shuts down in the winter and unlike newer shops has no indoor seating and no drive-thru, customers gladly line up on the sidewalk for frosty treats no matter what the weather. Two years ago at least 1,200 people showed up on opening day, March 1.

The temperature was 11-below.

Why do they do it? Tradition, generous portions, reasonable prices and treats you just can't get at most other shops help. And in an era of corporate ubiquity, it's a subtle reminder that sometimes different can be delicious.

Diann Mikula, 78, has been visiting the shop since the year it opened. And along with her husband, she

continues to make almost daily pilgrimages there, even though there are other DQs across the river in Fargo, North Dakota, where she lives.

"They don't even need an inside place to eat like they have in Fargo," Mikula said. "They are good to their customers. They are so generous with their product. They don't skimp on what they put in your treats."

While newer contracts stipulate adherence to strict corporate guidelines, messaging and menus, the Moorhead shop still operates mostly under the terms of a contract signed in 1949. And that allows owners Troy and Diane DeLeon the freedom to dish out what might be considered rogue menu items.

There's the Mr. Maltie, a chocolate malt on the stick; the Monkey Tail, a chocolate-covered frozen banana; and of course the Chipper Sandwich, which is vanilla ice cream sandwiched between two chocolate chip cookies and dipped in chocolate.

The DeLeons also offer unique toppings, some of which have been discontinued by headquarters, as well as non-corporate approved food items, including barbecue sandwiches and Polish sausages. And the ice cream cakes? Let the other shops take HQ's premade cakes; Troy DeLeon assembles his himself.

"If we changed to the new corporate way, virtually all our food items would be gone," said Troy DeLeon,

who took over the store in 1995 from original owner Bob Litherland, who also was considered something of a company maverick. "The corporate way is everything exactly the same."

DeLeon has said that corporate would like for his store to melt away, which drew a chuckle and a "no comment" from company spokesman Dean Peters. The Minneapolis-based chain — which launched in 1940 — values all of its more than 6,500 locations, Peters said, and it "understands and appreciates" the heritage and popularity of the downtown Moorhead Dairy Queen.

However, Peters said the company cannot promote the store "as a brand and a system," and added that most DQ lovers are looking for uniformity and the indoor dining experience provided by the company's newer DQ Grill and Chill restaurants.

"That's what our fans are telling us they want and that's what we are trying to provide them with," Peters said.

Mind you, the Moorhead store still plays the corporate game. To a degree. The lineup of typical DQ treats is featured on the window. But nearby is a "Local Menu" sign that includes a Nathan's-brand hot dog for \$1.50, a bowl of chili for \$2, a large Polish sausage for \$2.75 and the super chili cheese dog for \$4. Another poster promotes a "Curly Shake," which is advertised as a shake with a sundae on

top, for \$3.25.

Peters said a small percentage of Dairy Queen stores around the country have contracts dating back to the 1940s. He said those contracts allow for "very limited" products to be sold that are not available at most locations.

Customers at the DeLeons' restaurant are welcome, if not encouraged, to order treats just the way they like them. For example, Moorhead Mayor Del Rae Williams said her son likes the Crunch Blizzard, but substituted with chocolate ice cream.

"We'll do whatever. It doesn't take any longer," DeLeon said.

Said Williams, "People feel like it tastes differently and they give better service. Where else would you mind standing in line? It has become an experience in our community. It's very personalized and people know it."

DeLeon said he has been encouraged by corporate lawyers to enter into a new contract, but there "aren't enough zeroes" that could convince him to dump the flavors and feelings customers like Diann and Leroy Mikula have enjoyed for decades.

"They come here almost every day, like a lot of customers," Troy DeLeon said. "We want people to take a step back in time and experience something they don't get a chance to experience very often."

Armed Civilians Stand Guard Outside Recruiting Center

BY KEVIN BURBACH
Associated Press

SIoux FALLS — Armed civilians stood guard Thursday outside a busy military recruiting center in South Dakota, a volunteer effort to protect recruiters following last week's killing of four Marines and a sailor in Chattanooga, Tennessee.

Twenty-three-year-old Zachary Gallegos and 26-year-old Landon Nohava were among those that have begun stationing themselves outside the Armed Forces Recruiting Center. Both men carried handguns Thursday morning in front of the recruiting center in a Sioux Falls strip mall.

The men join others in the U.S. who have moved to guard recruiting centers where employees are not permitted to

be armed.

There's no evidence that such centers are in danger, and the government isn't changing how they're staffed, although some governors have temporarily moved National Guard recruiting centers to armories and several have authorized Guard personnel to carry weapons at state facilities.

Both Gallegos and Nohava said they hope state and federal authorities would move to add protections for recruiting offices.

"I plan on coming out as much as possible until it changes," said Nohava, an army veteran from Chancellor who had a concealed handgun. "Because honestly, it's pathetic."

The men aren't coordinating their efforts with any military branch.

Gallegos said he was inspired to be-

gin guarding the recruiting center after seeing a news report about civilians in Tennessee doing the same.

"After Chattanooga, it seemed more of a responsibility to come out and do something," he said.

Gallegos, who said he stood outside the offices for nine hours on Wednesday, said the public reaction has been overwhelmingly positive. People have brought them food and drinks, he said.

Some men stationed outside the recruiting office Wednesday came equipped with high-powered rifles, but Gallegos, a Tea resident, said they didn't bring those out Thursday so they wouldn't disturb anyone.

"But we are ready to react in case something happens," Nohava said, "but we hope to God not."

Sioux Falls Inks \$27.3M Deal To Purchase Downtown Rail Yard

SIoux FALLS (AP) — The city of Sioux Falls plans to pay \$27.3 million to BNSF Railway in exchange for about 10 acres of rail yard in the downtown area, where officials hope the deal will bolster a new phase of development.

Mayor Mike Huether said Wednesday at a news conference that the negotiations between Sioux Falls and BNSF for a portion of the company's downtown rail system have been in the works for more than a decade.

"There certainly have been big days in the history of our great city — game-changing days," the mayor said. "Today is one of those days."

The deal will allow the opening up of a north-south stretch of land from the 10th Street viaduct to an area near Kilian Community College. The rail yard relocation project is even more significant than the building of the Denny Sanford Premier Center, Huether said.

The agreement is expected to spur as much as

\$100 million in new development, according to officials. The deal uses \$40 million in federal funding secured by

Sens. John Thune and Tim Johnson in 2005, the *Argus Leader* reported.

90th Birthday



Joseph Becker will be celebrating his 90th birthday on July 31, 2015. Greetings may be sent to: Joe Becker 600 E Benjamin Ave Norfolk, NE 68701



25th Anniversary Celebration



Mr. & Mrs. Dave Jerke

Dave Jerke and Jacqueline (Van Goor) were married on August 11, 1990 at Sacred Heart Catholic Church in Yankton. They have three sons, Christopher, Austin and Trenton. To celebrate this special occasion, the family of the couple is hosting an open house on August 1, 2015 from 4:00-10:00 pm at Czecher's (upstairs event room) at 407 Walnut Street, Yankton, SD. No gifts please.