

### Teacher Vacancies In SD Due To Wages

PIERRE (AP) — A survey by the School Administrators of South Dakota this spring has found that over 30 percent of teaching positions posted this year remained open through May, when most positions are usually filled. The numbers reflect the responses of 125 out of 151 districts in the state. The reasons behind the vacancy problem vary widely. Low teacher pay, retiring baby boomers, competition from other industries and other factors all have had an impact on declining numbers of teacher applicants. About half of the 62 open math positions and a third of open English and special education positions still need to be filled. Joel Jorgenson, superintendent of Hamlin School District, says open spots are filled later every year because there are fewer and fewer applicants.

### Prelim. Neb. Jobless Rate 3.6 Percent

LINCOLN, Neb. (AP) — A newly released report says Nebraska's preliminary unemployment rate was 3.6 percent in May. That's a tenth of a point below the revised April rate of 3.7 percent. April's preliminary rate also was 3.6 percent. The Nebraska Labor Department said in the report released Friday that the preliminary May rate is four-tenths of a point below the revised rate of 4 percent in May 2013. The new Nebraska figure remained well below the preliminary national unemployment rate of 6.3 percent in May, which matched the revised April figure.

### Wellmark Won't Join Marketplace

SIoux FALLS (AP) — The largest private health insurer in South Dakota has opted to not sell plans through the federal marketplace during the open enrollment period that begins in November. Wellmark Blue Cross and Blue Shield says it will forgo participating in the Health Insurance Marketplace in South Dakota for an additional year. The health insurer that sells plans in South Dakota and Iowa also says that it has filed its 2015 requested rates with the South Dakota Insurance Division. The company says it approved the "vast majority" of individual policy holders will see their rates increase on average by 7.9 percent. The rate increases would take effect on January 1, 2015, if approved. The company says there are about 82,000 individuals and small groups in South Dakota that are Wellmark members.

### Neb. Man Sentenced For Killing Child

OMAHA, Neb. (AP) — A northeastern Nebraska man has been sentenced to eight years in federal prison for causing the death of his girlfriend's 14-month-old son. The U.S. Attorney for Nebraska says 22-year-old Mark Grant, of Winnebago, was sentenced Thursday in U.S. District Court in Omaha after being convicted of one count of child abuse causing death. Court documents say Grant was caring for Julius Harlan on Sept. 10 when the boy suffered severe brain injuries and died the next day at an Omaha hospital. Investigators say Grant was the only person with the child when the boy received the injuries and that Grant told different stories about the circumstance behind the boy's injuries.

### Authorities Find Dead Man In River

NORFOLK, Neb. (AP) — Authorities are investigating the death of a man found in the Elkhorn River in northeast Nebraska. Norfolk police and fire personnel responded Friday morning to a report about a body in the river. Authorities retrieved the body and identified it as belonging to 52-year-old Jeffrey L. Planer, also of Norfolk. Authorities say they have identified the area where Planer entered the water. The circumstances surrounding his death are still under investigation. The Madison County Coroner has ordered an autopsy to be conducted Saturday.

### Man Who Shot At Trooper Killed

SCHUYLER, Neb. (AP) — Authorities say officers have killed a man who shot at a trooper before a wild chase through eastern Nebraska. The Nebraska State Patrol says 32-year-old Jason T. Van Buskirk, of Columbus, shot at the trooper who'd pulled over his pickup about 1:30 a.m. Friday after a report about an armed man in the area. The patrol says Van Buskirk shot at the trooper, who returned fire as the pickup roared off. The pickup raced out of Platte County into neighboring Colfax County and stopped on Old Highway 30 just west of Schuyler. The patrol says Van Buskirk rammed one police cruiser and backed into two others before officers opened fire, killing him. The patrol says no officers were hit by gunfire. Flying glass hit one officer.

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# Legislative Inquiry On EB-5 Might Seek SDRC Subpoena

BY BOB MERCER  
State Capitol Bureau

PIERRE — A legislative panel will consider the unusual step of issuing a subpoena in an attempt to force a witness to testify, its leader said Friday. Sen. Larry Tidemann said the committee members would decide whether to pursue a subpoena against Joop Bollen of Aberdeen. Bollen is president of SDRC Inc., a company he created in 2008 while he was still the director for the South Dakota International Business Institute at Northern State University. After Bollen left the university, SDRC held a state contract from fall 2009 through fall 2013 to oversee and operate the regional center for South Dakota's activities in the federal EB-5 immigrant investor visa program.

Hundreds of millions of dollars flowed from foreign investors to SDRC-run loan pools that provided money to various South Dakota projects, including the now-bankrupt Northern Beef Packers plant at Aberdeen. The investors paid \$500,000 apiece plus a variety of fees to SDRC. South Dakota's general public didn't seem to have any knowledge of the EB-5 program in which state government was secretly participating. Tidemann, R-Brookings, said he met Tuesday with state Attorney General Marty Jackley.

Tidemann said he has asked Jackley to present a subpoena template to the Legislature's committee on government operations and audit. That could happen at the committee's next meeting July 29. Tidemann is the committee's chairman. Tidemann said the Legislative Research Council staff doesn't have a lawyer with subpoena experience. He said another legislator, Rep. Timothy Johns, would sit as special legal counsel for the committee.

Johns, R-Lead, previously was a state circuit judge. The GOAC panel met Wednesday. At the start, Rep. Susan Wismer of Britton asked that a discussion of SDRC be added to the agenda. Wismer, the Democratic nominee for governor, was the only Democrat present at the meeting and is one of two on the 10-legislator committee. Wismer said she asked the

committee to consider a subpoena for Bollen and SDRC records, including any preceding or subsequent businesses. Wismer said she presented a copy of a subpoena drafted by a LRC lawyer. A vote wasn't taken. Tidemann said he had already been conferring with Jackley. "Discussions behind closed doors between the chairman of GOAC and the attorney general do not satisfy our committee's responsibility to get answers to questions that our citizens are asking," Wismer said the next day.

The Legislature approved a resolution during the 2014 session requesting that GOAC hold hearings on the Governor's Office of Economic Development including three audits and reviews that were specially commissioned by GOED. Tidemann said Wismer didn't let him know prior to the meeting that she would ask for Bollen and SDRC to be put on the agenda.

Wismer said she told the vice chairman, Rep. Dan Dryden, R-Rapid City, the day before the committee meeting. Tidemann said the goal of a briefing by Jackley will be to explain to the committee whether Bollen would provide any useful testimony if a subpoena is issued.

Tidemann maintains the committee can't look at SDRC's private financial records. The state contract called for SDRC to pay specific fees to state government based on business activity. State Auditor General Marty Guindon has said several times that his office's inspection of the SDRC records showed the proper amounts were paid or placed in a special account that will eventually be transferred to state government.

Tidemann said he believes a federal investigation is still underway and the U.S. attorney for South Dakota, Brendan Johnson, hasn't publicly delivered a report that the legislative committee could consider.

Tidemann acknowledged he hasn't been public about his plans as chairman. Taking a phrase from sports, he said he doesn't want to show his playbook to the other team. "I don't like playing gotcha! I want to get to solutions," Tidemann said. Jackley meanwhile has said he didn't investigate the EB-5 management because it is a program established by federal law. He has also said he didn't investigate former Gov. Mike Rounds as part of his

probe of Richard Benda, the state official who gave SDRC the contract during the Rounds administration.

Rounds appointed Jackley as attorney general in 2009. Bollen and Benda, who was then secretary of tourism and state development in Rounds' administration, arranged and signed the SDRC contract using two private lawyers, Timothy Engel of Pierre and Jeff Sveen of Aberdeen. Benda later went to work for SDRC in 2011, after new Gov. Dennis Daugaard didn't retain him in his administration.

Rounds, during his last full month in office, signed an agreement in December 2010 to provide \$1 million from the state's Future Fund grant program to Northern Beef.

Benda hand-delivered the check in January 2011 to the company. According to one of Northern Beef's lawyers, a pre-existing agreement called for Northern Beef to put \$550,000 in escrow to pay for SDRC loan-monitoring services.

Benda went to work that same month for SDRC to be the loan monitor for the Northern Beef financing from EB-5 investors.

Daugaard's office received a subpoena from a federal grand jury in March 2013. The subpoena was kept secret for more than eight months. Among the points of inquiry were Benda's travel records while he was in the Cabinet. Daugaard asked the attorney general to investigate matters involved in the subpoena including regarding Benda's expenses.

After receiving the attorney general's report, Daugaard's commissioner of economic development, Pat Costello, terminated SDRC's state contract in September, 10 months before its scheduled conclusion, and contracted in October for an independent auditing firm to look at records in the economic development office.

Benda was found dead on Oct. 22 last year. The subsequent investigation by the attorney general concluded

Benda killed himself on Oct. 20 with a shotgun blast to the abdomen while at a farm near Lake Andes.

None of those details came to public light until the weeks after Benda's death.

Costello subsequently contracted for three more audits and reviews of GOED programs. Costello presented those reports were presented to GOAC members at a March 7 meeting.

Wismer tried at the May 7 meeting of GOAC to discuss the need to look further at the SDRC records.

Tidemann said he thought the auditor general answered those questions on March 7. "We can't bring back Richard Benda," Tidemann said.

Wismer said Thursday that GOAC has "technically, but not honestly and completely" fulfilled the request for hearings in the legislative resolution.

"I do not have confidence GOAC's leaders want to do any more investigating on this scandal," she said.

Tidemann said commissioner Costello has agreed to attend the July 29 meeting and brief the committee on steps taken since March 7 to address progress on background checks, conflict of interest, recusal and whistle-blower provisions.

Costello also will present a review of the past two years of Future Fund grants and the results from them. The grants typically are used to help businesses and commercial development.

The legislative resolution calls for GOAC to make a report of its findings to the full Legislature before Dec. 1 and "to make any recommendations deemed necessary."

Tidemann said Friday the committee could continue looking into the matter after Dec. 1.

Wismer said she and the committee's other Democratic member, Sen. Larry Lucas of Pickstown, would continue to pursue the EB-5 matter. Neither Wismer nor Lucas will be back for the 2015 legislative session.



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