

2010 Legal and Public Notices

ROBERT B BAUMER, Deceased.

PRO. #15-41
NOTICE TO CREDITORS

Notice is given that on the 25th day of September, 2015, Robert B. Baumer, II, whose mailing address is 920 Wagner Hill Rd., Mt. Pleasant Mills, PA 18753, was informally appointed as Personal Representative of the Estate of Robert B. Baumer.

Creditors of decedent must file their claim within four months after the date of the first publication of this notice or their claims may be barred.

/s/ Robert B. Baumer, II
Robert B. Baumer, II
Personal Representative
920 Wagner Hill Rd.
Mt. Pleasant Mills, PA 18753

Phillip O. Peterson
Peterson, Stuart, Rumpca & Rasmussen, Prof. LLC
124 North Third
Beresford, SD 57004
(605) 763-5024
Attorneys for the Estate

11+2+5
PUBLIC NOTICE
DUTY OF PROPERTY OWNERS
TO KEEP SNOW AND ICE REMOVED FROM PUBLIC SIDE WALKS

Section 21 of Yankton's Code of Ordinances requires property owners to keep public sidewalks adjacent to their property clear of snow and ice. Snow removed from driveways, sidewalks or parking lots cannot be placed in the streets.

Notice is hereby given to property owners that snow and ice must be removed from public sidewalks adjacent to their property within twenty four hours after any snow fall. In the event of failure to do so, the City will cause such snow or ice to be removed and assess the cost against the property per SDCL 9-30-5

Brad Bies
Community Development
City of Yankton
Published twice at the approximate cost of \$18.99.

SD Audit Department Examining Grants, Contracts Beyond Gear Up

BY JAMES NORD
Associated Press

PIERRE — The state is reviewing roughly \$3 million in government grants and contracts to an educational cooperative that managed a program currently involved in an investigation by state and federal authorities after two employees of the cooperative died in a murder-suicide.

The nearly two dozen grants and contracts between the state and Mid-Central Educational Cooperative under assessment by the Department of Legislative Audit include a mix of state and federal funds, the auditor's office said in a letter to state lawmakers on Tuesday.

The dive into the state's full relationship with Mid-Central, thrust into the spotlight because of the murder-suicide involving its employees, expands the audit department's gaze beyond the federal GEAR UP grant program, which was managed by the cooperative until September.

"Given the situation at Mid-Central, the governor believes that it's prudent to review all of the grants and contracts that they hold beyond the GEAR UP grant," said Tony Venhuizen, chief of staff to Gov. Dennis Daugaard.

An attorney for Mid-Central didn't immediately respond to a request for comment.

An assessment previously flagged GEAR UP as a program with a high risk of noncompliance with federal requirements expected to be met as a condition of receiving a grant, which is a reason why it was audited, Auditor General Martin Guindon told lawmakers at a legislative oversight committee last week.

Audits of that program discovered financial problems and accounting failures that contributed to the state's decision not to renew its most recent \$4.3 million contract with the cooperative for management of GEAR UP.

Hours after the education department informed Mid-Central that it was losing its contract, Mid-Central's business manager Scott Westerhuis shot his wife and four children and then set the family home near Platte ablaze before shooting himself. His wife Nicole Westerhuis was assistant business manager.

Attorney General Marty Jackley announced the final conclusions of the death investigation on Tuesday. Jackley said the investigation found no evidence that Nicole Westerhuis or any other party was responsible for the deaths. No soot was found in the airways of any of the six bodies, meaning all died before the fire engulfed the house, he said.

Jackley also disclosed an ongoing state-federal financial investigation, which he said was related to GEAR UP.

A judge in October granted the Department of Legislative Audit access to files and financial documents held by the state Division of Criminal Investigation for an inquiry into the GEAR UP program. Access to investigatory information will help inform the risk assessment of the other grants and programs, Guindon said.

The six federal grants for the 2014-2015 school year under assessment went to the state Department of Education before going to Mid-Central as a sub-recipient. The largest is a nearly \$1.3 million grant for college-readiness program called the College Access Challenge Grant Program.

The 16 contracts with Mid-Central range from about \$212,000 for delivering professional development to \$120,000 for providing access to online college readiness coursework.

An inquiry into organizations that managed grant money as part of GEAR UP is also being accelerated, Guindon said last week. Previous audits did not look at organizations that received GEAR UP funding from Mid-Central through the agreement.

High Schools Might Be Asked To Reconsider Mascots, Rituals

BY BOB MERCER
State Capitol Bureau

PIERRE — The board of directors for the South Dakota High School Activities Association agreed Wednesday to discuss a review of school mascots and ceremonies.

The resolution came from one of the directors, Roger Bordeaux, who is the board's at-large Native American representative.

He is superintendent of Tiopsa Zina Tribal School on the Sisseton Wahpeton Oyate reservation.

Bordeaux wants the association's board to adopt a statement "encouraging its membership to consider not using any stereotypical Indian imagery and Indian mascots that cause harm."

He stressed there wouldn't be any requirement for school officials to make changes.

"I still believe it's a local board decision to do that or not do that," Bordeaux said. Board chairman Jason Uttermark of Aberdeen said the topic would be considered at the first meeting of 2016 on Jan. 13.

Uttermark said he's learned during his four years on the association's board that sometimes going slower is better than going faster.

"This is a very good discussion for us to be having," Uttermark said.

Board members didn't want to quickly act Wednesday. Instead they gave school officials an opportunity to consider the resolution and to appear before the association board.

"We're going to look at a resolution that's pretty binding," said one of the directors, Steve Morford, the Spearfish High School principal.

Morford recalled the pro-

cess that Winner took some years ago, when the Warriors name was kept but the mascot symbol was changed.

Director Linda Whitney, the principal at Sanborn Central High School, said more time would allow "everybody to ask questions they may have."

Director Bud Postma, the Madison High School athletic director, said he wasn't ready to vote Wednesday.

"We just got this information on what day - Monday?" Postma said.

Wayne Carney, the association's executive director, said he received a call from a school official who wants to speak to the board but couldn't attend the meeting Wednesday.

Playing fields and uniforms might need to be changed, Carney said.

"It's a very, very good discussion to have," he said.

Obama Should Reject Keystone XL Pipeline

BY MATTHEW DALY
Associated Press

WASHINGTON — President Barack Obama should reject the Keystone XL oil pipeline before heading to Paris next month to finalize a global climate agreement, Democratic presidential candidate Bernie Sanders said Wednesday.

The Vermont independent senator said rejecting the pipeline now would show "bold leadership" in the fight to slow climate change, which Sanders called "a major, major, major planetary crisis."

The pipeline's developer, Calgary-based TransCanada, has asked U.S. officials to delay consideration of the Alberta-to-Texas pipeline, potentially putting off a decision until the next U.S. president takes office in 2017.

State Department spokesman John Kirby said the department wrote to TransCanada on Wednesday and "communicated our decision to continue our review." The State Department has jurisdiction over the pipeline because it crosses a U.S. border.

Sanders, who is challenging Hillary Rodham Clinton for the Democratic presidential nomination, said Obama should ignore TransCanada's request and act decisively to reject the long-delayed pipeline, a flashpoint in the global debate over climate change.

The 1,179-mile pipeline would run from Canada through Montana, South Dakota and Nebraska, where it would connect with existing pipelines to carry more than 800,000 barrels of crude oil a day from tar sands in western Canada to refineries along the U.S. Gulf Coast.

Opponents say the project requires huge amounts of energy and water and increases greenhouse gas emissions blamed for global warming. They also warn that pipeline leaks could potentially pollute underground aquifers that are a critical source of water for farmers in the Great Plains.

Supporters say the project will create jobs and reduce U.S. reliance on Middle Eastern oil. They argue that pipelines are a safer method of transporting oil than trains, pointing to recent derailments on both sides of the border, including a 2013 disaster in Canada that killed 47 people.

Former Lawmaker In Dispute Over Road

RAPID CITY (AP) — Businessman and former state legislator Stan Adelstein is clashing with neighbors over a proposed access road to remote property he owns near Mount Rushmore National Memorial.

Adelstein wants the Pennington County Commission to declare his property legally isolated. The designation would clear the way for an access road, possibly across the property of neighboring landowners.

The attorney for one of the neighboring landowners accuses Adelstein of refusing to negotiate a price for a road easement. Adelstein and his attorney say they've tried to communicate with the neighbor but her attorney won't return phone calls or emails.

The *Rapid City Journal* reports that the County Commission on Tuesday directed Adelstein to negotiate with neighboring landowners before coming back to the group.

NE To Get More Than \$455K Settlement

LINCOLN, Neb. (AP) — Nebraska officials say they will receive more than \$455,000 in a settlement with two pharmaceutical companies that were accused of overcharging state Medicaid programs.

The settlement announced Wednesday resolves allegations that AstraZeneca Pharmaceuticals, LP and Cephalon, Inc., overcharged for various drugs.

AstraZeneca has paid the states and the federal government \$46.5 million, while Cephalon paid \$7.5 million. A whistleblower complaint alleged that the companies used accounting techniques to reduce the average manufacturer price reported to the federal government, which resulted in the companies underpaying drug rebates to the states.

The Nebraska attorney general's office says the state will receive more than \$350,000 from AstraZeneca and another \$105,000 from Cephalon.

Man Jailed For Stealing From Center

MITCHELL (AP) — A man who burglarized a youth center in Mitchell has been given a suspended five-year prison term. Twenty-one-year-old Jason Lease pleaded guilty to burglary charges stemming from a July 30 incident in which he stole \$3,000 in electronics from Ark Ministries and tools from a local garage.

The *Daily Republic* reports that Lease was ordered to serve about five months in jail with credit for about three months already spent behind bars. He also must participate in a rehabilitation program, a sobriety program and counseling.

2 Men Get Time For NE ATM Theft

WAYNE, Neb. (AP) — Two men have been given 30 to 60 months in prison for stealing an ATM from a northeast Nebraska bank.

22-year-old Cody Murphree and 23-year-old Jacob Christiansen, both of Norfolk, were sentenced Wednesday morning in Wayne County District Court. They had pleaded guilty to theft after taking plea deals with prosecutors. The two also must make restitution of \$13,900 to Elkhorn Valley Bank & Trust in Hoskins.

A third man convicted of the same charges, 24-year-old David Rhodes, of Madison, Alabama, is scheduled to be sentenced on Dec. 2.

The Nebraska State Patrol says the ATM was taken on June 23 from the vestibule of the bank near the bank lobby.

Homicide Suspect Sentenced To 25 Years

RAPID CITY (AP) — A man who pleaded guilty in the beating death of another man in Rapid City has been sentenced to 25 years in prison.

29-year-old Daryl Espinosa initially was charged with second-degree murder in the May 2014 death of 59-year-old Lars Greeley. He pleaded guilty to manslaughter under a deal with prosecutors and was sentenced Tuesday after emotional testimony from relatives of Greeley, who forgave Espinosa but said they still hold him accountable.

Authorities said the killing happened after Espinosa and Greeley had been drinking with others at an apartment complex. Espinosa said he does not remember the incident because he was drunk.

Espinosa was given credit for more than 500 days he's already spent behind bars.

NE Corrections Director Unveils New Prison Reform Plan

BY GRANT SCHULTE
Associated Press

LINCOLN, Neb. — Nebraska's corrections director unveiled a plan Wednesday to ease some overcrowding in state prisons while creating benchmarks designed to show whether the problem-plagued agency is improving.

Director Scott Frakes said the department will request from the Legislature an estimated \$26.2 million for additional beds at community corrections centers in Lincoln and Omaha.

The funding request, which could be complicated by a funding shortfall lawmakers also have to address next year, would cover a net increase of 48 female beds and 100 male beds. It would also allow the department to place male and female inmates in separate buildings.

Under the plan, all female inmates would be housed at a 160-bed center in Lincoln. Males would reside at the center in Omaha, with a total of 400 beds. The community corrections centers are designed for lower-security inmates, with programs focused on counseling, treatment and work release.

Frakes said separating male and female inmates would help address challenges in treating the women, who he said tend to suffer more from abuse and mental health problems.

Department officials will also start looking at specific measurements of the agency's performance, such as staff vacancy and prisoner recidivism rates.

The plan was released as a legislative oversight committee began three days of hearings to look at various scandals within Nebraska's prison system. Frakes was scheduled to appear before the committee on Thursday.

The department has faced repeated problems in recent years, from miscalculated prison sentences to a riot at the Tecumseh State Correctional Institution that left

two inmates dead. Prison officials were heavily criticized for their handling of Nikko Jenkins, an inmate who killed four people in Omaha after he was released despite his pleas for a mental health civil commitment.

The prisons have also faced overcrowding and staffing issues that required more overtime, leading to high rates of burnout. Union officials have complained that the department stopped giving pay increases for longevity several years ago, which eliminated a key tool for retaining workers.

Frakes said the department will change how it classifies inmates, which could result in more prisoners gaining access to rehabilitation programs because they're considered less of a security risk. Under the current system, he said, inmates are sometimes classified based on the availability of beds rather than a prisoner's risk level.

Changing how inmates are classified "can mean better opportunities for people to demonstrate that they're taking advantage of the things we can offer them," Frakes said.

The first legislative hearing focused on a recent state audit that found financial problems in the department due to poor oversight and communication.

The report said the Department of Correctional Services paid nearly 59,000 hours of unnecessary overtime between July 1, 2013, and Dec. 31, 2014, totaling more than \$1 million. It also faulted the department for overpaying nearly \$370,000 because it lacked procedures to ensure that inmate medical claims from off-site providers were proper.

The report said the problems began before Gov. Pete Ricketts appointed Frakes to the job in January.

"There's a lot of work to do, a lot of the culture that needs to be changed," Auditor Charlie Janssen said in testimony to the committee.

CROSSWORD

By THOMAS JOSEPH

- ACROSS**
- 46 Go out of business
 - 1 Took the trolley
 - 5 Cart pullers
 - 10 Cast out
 - 12 Ferber novel
 - 13 Ice cream extra
 - 14 Prelude
 - 15 Swearing-in words
 - 16 Emotional strain
 - 18 Affectionate
 - 20 Regret
 - 21 Some nest eggs
 - 23 "— been real"
 - 24 Church leader
 - 26 Tempo
 - 28 Pet perch
 - 29 Tyne of TV
 - 31 Pub product
 - 32 Boarder
 - 36 Well-founded
 - 39 Disfigure
 - 40 Make blank
 - 41 Recording problem
 - 43 Jimmy of "NYPD Blue"
 - 44 "Cosmos" creator
 - 45 Bullfight bulls
- DOWN**
- 1 Mail in
 - 2 Rust, for one
 - 3 Mason's partner
 - 4 Yale player
 - 5 Not "fer"
 - 6 Confession list
 - 7 Like Swift stories
 - 8 Between travel points
 - 9 Setting items
 - 11 Came onstage
 - 17 Historic time
 - 19 Brief drop
 - 22 Neighbors of kidneys
 - 24 Sicilian city
 - 25 Like amphitheaters
 - 27 Writer Rand
 - 28 Current fashion
 - 30 Braves on a score-board
 - 33 Pedro's pal
 - 34 Twangy
 - 35 General direction
 - 37 Redirecting
 - 38 Harry's wife
 - 42 Clumsy one

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Yesterday's answer

- 17 Historic time
- 19 Brief drop
- 22 Neighbors of kidneys
- 24 Sicilian city
- 25 Like amphitheaters
- 27 Writer Rand
- 28 Current fashion
- 30 Braves on a score-board
- 33 Pedro's pal
- 34 Twangy
- 35 General direction
- 37 Redirecting
- 38 Harry's wife
- 42 Clumsy one

THOMAS CROSSWORD BOOKS 1-81 Send \$4.75 (check/m.o.) for each book to 628 Virginia Dr., Orlando, FL 32803

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40					41	42			
43					44				
45						46			

A X Y D L B A A X R
is L O N G F E L L O W

One letter stands for another. In this sample, A is used for the three L's, X for the two O's, etc. Single letters, apostrophes, the length and formation of the words are all hints. Each day the code letters are different.

11-5 CRYPTOQUOTE

C D J R X W D B T R J F K B R O J I V
O D J W D J K B U R C U B R J R , I W A
S I C D J U R R C U J W S C D I W A
Z Q X U I S J I R C D J A I L S J C R

Q W . — Z D I U F J R A B Z V J W R
Yesterday's Cryptoquote: SOME PEOPLE GRUMBLE THAT ROSES HAVE THORNS; I AM GRATEFUL THAT THORNS HAVE ROSES. — ALPHONSE KARR