

The Daily Republic



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Graves wants legislative seat

Superintendent tells school board he will seek permission to run



By CANDY DENOUDEN
The Daily Republic

Joe Graves for state Senate. Or state House. Monday during the Mitchell Board of Education meeting at Gertie Belle Rogers Elementary, Graves, the school district superintendent, announced his plan to run for the South Dakota

Plan approved
School board OKs \$200,000 opt-out. A6

Legislature in 2014. "There is a time in the future when I intend to make a formal request of the school board to run for the state Legislature," Graves

said to the board during his superintendent's report. "I think it's probably time for me to get that information to you. Of course, the board would have to approve that would be acceptable to you."

Whether he runs for the House or Senate, Graves said, will partly "depend on what other people are

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MTI posts record enrollment figures

1,227 students taking classes

By CANDY DENOUDEN
The Daily Republic

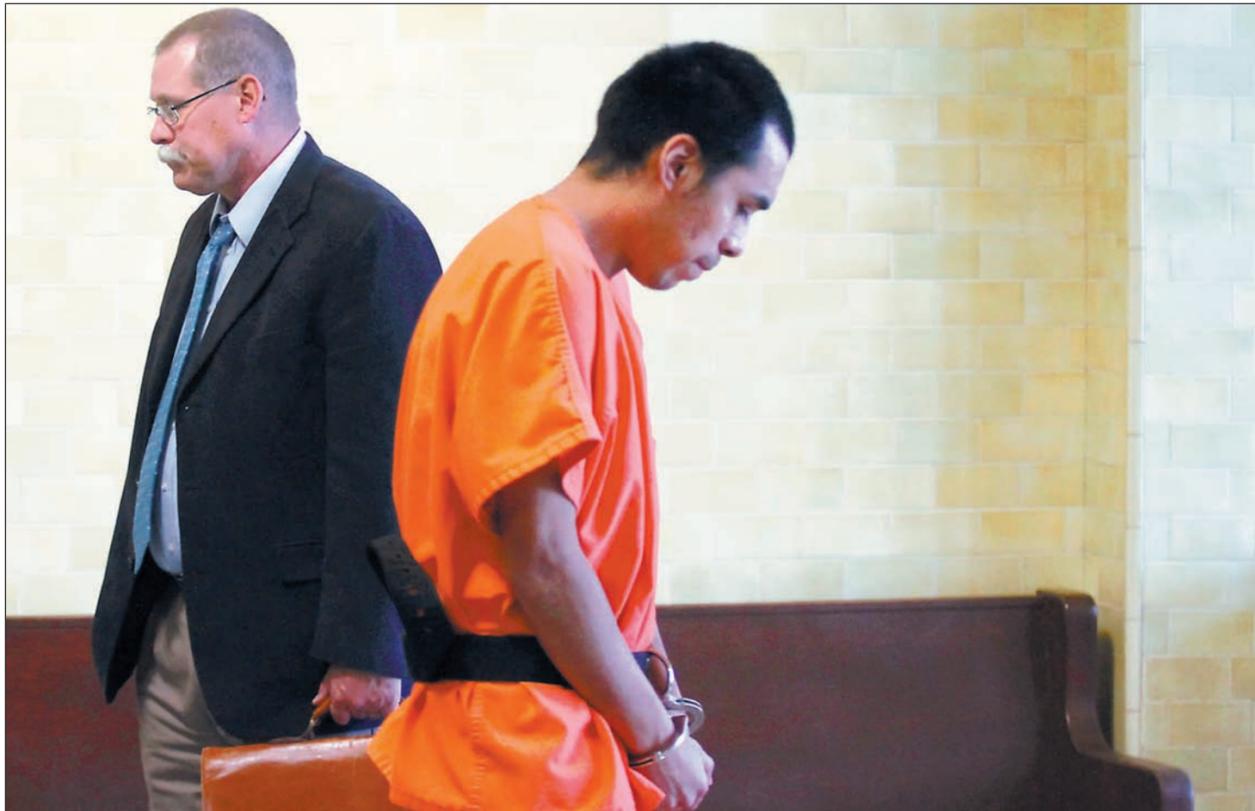
Mitchell Technical Institute announced record enrollment numbers for the fall during Monday evening's Mitchell Board of Education meeting at Gertie Belle Rogers Elementary.

Greg Von Wald, president of MTI, presented a news release to the board that said the institute has a

See MTI, Page A6

Pickstown crash

Vehicular homicide charges in dispute



Sean Ryan/Republic

Ronald Fisher, foreground, walks past his attorney, Tim Whalen, after a court appearance Monday at the courthouse in Lake Andes. Fischer, of Lake Andes, is accused of driving drunk and killing two pedestrians in Pickstown.

Attorney for driver in double-fatal wants some counts dropped

By ANNA JAUHOLA
The Daily Republic

LAKE ANDES — The attorney for a man accused of driving drunk and killing two pedestrians in a Pickstown parking lot wants the vehicular homicide charges against his client dismissed.

Ronald Fischer's attorney, Tim Whalen,

of Lake Andes, said Monday he plans to make a motion to dismiss the two vehicular homicide charges for the deaths of Robert Klumb and Maegan Spindler. Other charges, including manslaughter, would remain.

Whalen said in court Monday he plans to make a motion to suppress evidence

and a motion for dismissal on the vehicular homicide charges. Afterward, in an interview, he declined to elaborate on either motion.

"I don't want you to know before the state knows why," Whalen told The Daily Republic over the phone.

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Huron secret agreement unsealed, read aloud

Superintendent paid thousands by 2011 deal

By LUKE HAGEN
The Daily Republic

HURON — An agreement that remained secret for more than two years and sent thousands of dollars to an ex-superintendent was unsealed and read aloud Monday evening at a Huron Board of Education meeting.

The board voted during the meeting at the Huron Arena's Instructional Planning Center to unseal the five-page agreement, pursuant to a recent court order won by The Daily Republic. The agreement reveals that the board and then-superintendent Ross Opsal agreed in March 2011 to part ways before the expiration of his contract. The board agreed to pay Opsal his base salary plus extra amounts for retirement and health care each month for a period extending up to June 2012.

According to the terms of the agreement, the total amount of payments to Opsal could have been nearly \$175,000 (the

See HURON, Page A8

What's inside



Connor plays new role

Ethan senior coping with being sidelined after breaking back. B1

On the Web: mitchellrepublic.com
Mobile: m.mitchellrepublic.com

Suicide prevention gets spotlight

Local group taking action this week to raise awareness

By ROSS DOLAN
The Daily Republic

Mitchell churches and schools, along with medical and mental health organizations, will distribute 7,500 purple and turquoise awareness ribbons this week to remind area residents that Sept. 8-14 is National Suicide Prevention Week.

The event is spearheaded by the Mitchell Area Suicide Prevention Task Force, said Joy Anderson, a member of that group and a licensed counselor at Dakota Counseling Institute.

Instead of speaking of suicide in

hushed tones, organizers are working to give a high profile to an uncomfortable topic.

"The purpose of this campaign is to raise awareness about suicide," Anderson said.

There is a misconception, she added, that talking about suicide will give people the idea to kill themselves, but she said that's not the case.

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"In reality, when someone is in enough emotional pain, they think about suicide as an option to escape the pain. We want to get the word out there that there is help and there is hope."

— Joy Anderson, Mitchell Area Suicide Prevention Task Force member and licensed counselor

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about suicide as an option to escape the pain. We want to get the word out there that there is help and there is hope."

According to the Suicide Prevention Resource Center, South Dakota's suicide rate is ninth highest in the United States across all age groups and seventh highest for ages 15 to 24. The state's suicide rate for that age group, 20.2 per 100,000 people, is almost double the national rate of 11

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Ross Dolan/Republic

Joy Anderson, left, a counselor with Dakota Counseling Institute, of Mitchell, pins a suicide awareness ribbon on Matt Britt, a junior at Dakota Wesleyan University, on Monday at the McGovern Library on DWU's campus. The ribbons are a reminder that Sept. 8-14 is National Suicide Prevention Week.



Today's forecast: Partly cloudy with a chance of thunderstorms. North-northwest winds at 4-8 mph. Details, A2.



High 83° Low 58°

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Obama admits he might lose congressional vote on Syria

President won't say what he would do if request is rejected

By DAVID ESPO
Associated Press

WASHINGTON — Battling stiff resistance in Congress, President Barack Obama conceded Monday night he might lose his fight for congressional support of a military strike against Syria, and declined to say what he would do if lawmakers reject his call to back retaliation for a chemical weapons attack last month.



OBAMA

The president made his comments as a glimmer of a possible diplomatic solution appeared after months of defiance from the Russian-backed government of President Bashar Assad in Syria. In a rapid response, Senate Majority Leader Harry Reid cited "international discussions" in unexpectedly postponing a test



AP photo

House Armed Services Committee member Kristi Noem, R-S.D., arrives Monday for a closed-door meeting about Syria on Capitol Hill in Washington.

vote originally set for Wednesday on Obama's call for legislation backing a military strike.

In a series of six network interviews planned as part of a furious lobbying campaign in Congress, Obama said statements suggesting that Syria might agree to surrender control of its chemical weapons stockpile were a potentially posi-

tion development.

At the same time, he said they were yet another reason for lawmakers to give him the backing he is seeking.

"If we don't maintain and move forward with a credible threat of military pressure, I do not think we will actually get the kind of agreement I would like to see," he said on CNN.

Canada sees path for Keystone but won't talk details

By PATRICK RUCKER
Reuters

WASHINGTON — Canada will do more in the global fight against climate change as the nation develops its vast oil sands resources and tries to win backing for the controversial Keystone XL pipeline, the country's energy minister said on Monday.

The proposed pipeline that would link oil sands fields in western Canada to Gulf Coast refiners should come in tandem with plans to curtail carbon dioxide pollution, said Canada's energy minister Joe Oliver after a meeting with U.S. Energy Secretary Ernest Moniz.

Canada had to join the fight against climate change as a global citizen and "to have the social license to continue to develop our resources," Oliver told reporters at the Washington embassy.

That conciliatory tone might ease relations with the White House, analysts said, but Canada will struggle getting the pipeline approved now that President Barack Obama's supporters have framed its rejection as essential to his environmental legacy.

"Climate change concerns are now at the heart of Obama's Keystone thinking and that's a problem since Canada is not living up to its own commitments on the issue," said Clare Demerse of the Pembina Institute, a clean energy think tank.

HURON

Continued from Page A1

amount actually paid was not immediately available Monday night). Meanwhile, the district had hired and was paying a new superintendent.

The agreement did not explain why Opsal's employment ended, which is what The Daily Republic sought to know. The two current members of the Huron Board of Education who were members when the agreement was reached declined to say anything further Monday night about Opsal's departure from the district.

"Mr. Opsal's decision to resign from the Huron School District was a matter that was dealt with in executive session of which I'm not at liberty to comment on," said board chairman John Halbkat, who has 12 years of service on the board. "From that executive session is where this agreement came from."

An "executive session" occurs when a government body votes to conduct a private, closed-door meeting. Executive sessions are allowed for limited purposes spelled out in state law, including some contractual matters. The Daily Republic asserted during the dispute over the agreement that the document itself was essentially just a superintendent contract and was therefore public, regardless of the discussions about it that occurred during executive session.

Opsal cited "personal health issues" in a public letter released by the school district at the time of his March 2011 resignation. He was hired June 28, 2010, and had a three-year contract.

The Daily Republic, acting

on a tip from a reader who saw payment amounts to Opsal listed in newspaper legal announcements after his departure, sought a copy of the agreement for a news story published in 2012. The district denied the request, and the denial sparked a fight over the document that finally ended Monday.

Third Circuit Judge Jon Erickson ruled Aug. 28 that the secret agreement must be provided to The Daily Republic. The ruling affirmed an earlier decision in favor of the newspaper issued in March by the state Office of Hearing Examiners.

All five Huron Board of Education members voted Monday to have the document opened and read aloud after the school district's lawyer, Rodney Freeman, recommended it in a report to the board.

By approving the unsealing of the document, the board surrendered its final possible appeal, which would have been at the state Supreme Court level.

Tim VanBerkum, a board member who's served for the past five years, read aloud the five-page document that was signed by Opsal and board chairman Halbkat in 2011.

The document said Opsal agreed "to legitimately and actively seek employment as a school administrator and agrees to demonstrate to District on a monthly basis, his efforts at securing school administrator employment." If Opsal would have found employment as a school administrator elsewhere, it would have reduced or eliminated the payments from the Huron School District. If he found employment at a salary less than \$110,000 per year, the district would have continued to pay Opsal the dif-

ference between his new employer's salary and \$110,000, but not beyond June 30, 2012. VanBerkum said after the meeting in an interview with The Daily Republic that Opsal was never hired as a school administrator elsewhere and was paid through the length of the agreement. He did not immediately know the total amount of the payments.

In order to assist with Opsal's search for a new job, the school district agreed that Halbkat would be "designated as spokesman for the recommendations for District and that Halbkat is hereby authorized by the parties, to give a 'neutral' recommendation."

VanBerkum opened the discussion at Monday's meeting by asking attorney Freeman if the school board had "done our job to vigorously defend" the sealed status of the agreement.

The document stated it was closed and confidential and that the district would defend its closed nature.

"Specifically," the agreement states, "it is understood and agreed by District and Opsal and Opsal's spouse, that the contents of this document shall be considered confidential and shall not be disclosed to any third person or entity by either District or Opsal except with the prior written approval of the other party or upon the Order of a Court of competent jurisdiction, which Order shall be disputed with all vigor by the party who may be sued to compel its disclosure."

Freeman said he's been in contact with Opsal's attorney, Scott Swier. He added that Opsal was aware the document would be read Monday night.

Before the document was

opened, current Superintendent Terry Nebelsick showed that the document's seal had not been broken. It was signed across the taped seal by Huron Business Manager Kelly Christopherson and Halbkat, dated March 9, 2011.

VanBerkum and Halbkat are the only members of the five-person board who were serving when the document was signed.

"March 4, 2011, until now has been a difficult journey for those who served and were serving on the Huron school board," Halbkat read in a prepared statement during the meeting. "Each decision made during the transition of leadership was done with the focus for what was best for our patrons in the Huron School District while trying to be fair to the former superintendent. We hope the document shows the district was able to save the taxpayers an additional year of a three-year contract. We move forward with the focus and opportunities to serve our patrons and lead our students."

Garret Bischoff, David Wheeler and Sherman Gose are the three members who were not serving on the board when the agreement was reached. After the document was read and Halbkat and VanBerkum each gave statements, no other board members spoke.

During an interview after

the meeting, Bischoff said he's happy with the current administration and "that's what I have to worry about."

"What happened in the past is the past," Bischoff said. "I'm ready to move forward and keep the district in moving to the positive."

Tuesday was the first time since the judge's August ruling that the Huron Board of Education met. Current Superintendent Nebelsick said the district was waiting to get a final, signed agreement by Judge Erickson and both lawyers in the case before releasing the agreement.

The Daily Republic first sought a copy of the agreement in early 2012 after receiving an anonymous tip about the situation. The district and its lawyer refused to provide a copy of the agreement or say why the payments to Opsal were issued, but did acknowledge monthly payments to him since his March 2011 resignation.

According to monthly payment information obtained from the district and compiled by The Daily Republic, the payments stopped after 16 months and totaled about \$175,000, though that number has not been confirmed by the district.

The newspaper wrote a story in February 2012 detailing the payments and the district's refusal to speak further about the issue or release a copy of the agreement. Then,

in July 2012, a new state law took effect clarifying that a superintendent contract is a public record. That change was sparked partly by a controversy in Sioux Falls, where the superintendent refused to divulge her contract.

Citing the new law, The Daily Republic made a new request for the Huron agreement in September 2012 and was once again denied by the district and its lawyer.

The newspaper appealed that new denial to the state Office of Hearing Examiners, which is the office charged with settling open-records disputes in South Dakota. That office ruled in favor of The Daily Republic in March of this year and found the agreement should be open to public inspection.

Shortly thereafter, the district appealed to circuit court which ended in the Aug. 28 ruling in favor of the newspaper.

"We looked into this because we thought taxpayers everywhere would want to know — and Huron's taxpayers deserved to know — why an ex-superintendent would continue to be paid after his employment ended," said Daily Republic Editor Seth Tupper, the plaintiff in the lawsuit over the agreement. "We still don't know exactly why Opsal's employment ended, but at least we know some more about the situation and have proven that contracts like this are open records."

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