



DEPARTMENT OF HUMAN SERVICES

OFFICE OF THE SECRETARY

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David Schied
PO Box 321
Spearfish, SD 57783

Received
1/18/23

January 6, 2022

Dear Mr. Schied,

DHS has received your email of December 24, 2022, containing new open records requests as follows:

1. "[A]ll documents showing HOW "DAKOTA AT HOME" originated and HOW it came to be decided to name it as such without identifying it directly as part of any particular "DEPARTMENT, BUREAU, DIVISION, SECTION, AGENCY, COMMISSION, BOARD, or UNIT" of "STATE" government; and if it IS any part of any of the above-partitions of the "STATE", I wish to have copies of all written legislation, policies, procedures, and rules that TRACE the history of the connective origins to the above disorienting "maze" of CORPORATE or quasi-governmental entities.

Response: Dakota at Home is a program of the Department of Human Services. The Department is authorized to run programs for aging adults and those with developmental disabilities pursuant to SDCL §§ 1-36A-25 and 27B-1-15. All South Dakota Codified Laws are available at https://sdlegislature.gov/Statutes/Codified_Laws. All Administrative Rules of South Dakota are available at: <https://sdlegislature.gov/Rules/Administrative>. Certain years of legislative history may be found at <https://sdlegislature.gov/> and all legislative records are held by the Legislative Research Council. Pursuant to SDCL 1-27-1.5 (4) insofar as this request would include privilege documents, it is denied. Pursuant to SDCL 1-27-1.5 (12) and (19) insofar as this request would include correspondence, memoranda, or working papers of public officials or employees, whether personal or professional, it is denied. Pursuant to SDCL 1-27-1.7, insofar as this request would include drafts, notes, recommendations, and memoranda in which opinions are expressed or policies formulated or recommended, it is denied. Pursuant to SDCL 1-27-1.9 insofar as this request would include documents, records, or communications used for the purpose of the decisional or deliberative process relating to any decision arising from the official duties of an elected or appointed official or state employee, it is denied.

2. "[A]ll documents related to the "in-home assessment" conducted by Laura Nord/Charter between March and June 2021) as she interviewed me for the HOPE WAIVER qualifications; as well as any and all post-assessment notes, memorandums, recordings of phone calls, and any other correspondence related to discussions resulting to the FINAL DENIAL sent to me by the responding "AGENT" for the "DSS" based upon that "in-home assessment."

Response: The Department is still gathering and reviewing any relevant documents to determine if the Department has anything to release pursuant to SDCL 1-36A-29. The Department expects to provide a final response on that issue by January 27, 2023.

Pursuant to SDCL 1-27-1.5 (4) insofar as this request would include privilege documents, it is **denied**. Pursuant to SDCL 1-27-1.5 (12) and (19) insofar as this request would include correspondence, memoranda, or working papers of public officials or employees, whether personal or professional, it is **denied**. Pursuant to SDCL 1-27-1.7, insofar as this request would include drafts, notes, recommendations, and memoranda in which opinions are expressed or policies formulated or recommended, it is **denied**. Pursuant to SDCL 1-27-1.9 insofar as this request would include documents, records, or communications used for the purpose of the decisional or deliberative process relating to any decision arising from the official duties of an elected or appointed official or state employee, it is **denied**.

3. "[A]ny and all documents pertaining to all references to rules, policies, procedures, and laws conveying that RECORDS being held by the STATE (including DEPARTMENTS, DIVISIONS, BUREAUS, SECTIONS, UNITS, AGENCIES, and/or OFFICES) obtained by PRIVATE "complaints and appeals" – submitted independently or in combination with "OPEN RECORDS REQUESTS FOR DOCUMENTS" by a "totally and permanently disabled quad-amputee" owed by federal laws "reasonable accommodations" pertaining to limitations in writing and traveling to the post office) – and containing PRIVATE MEDICAL INFORMATION that should or should not be considered "PUBLIC RECORDS" subject to "ANSWER" under SOUTH DAKOTA'S "OPEN RECORDS LAWS," and/or what portions thereof are to be "exempt" and/or "redacted" ... and how and why any such determinations are to be made, and by whom. In short, I demand all records that define exactly how my TWO APPEALS, my 3/17/21 and my 4/1/22 and/or 4/7/22 OPEN RECORDS "REQUESTS," written in contexts of stating my "long-term" and/or "permanent" and/or "lifetime" medical needs and "civil" and/or "criminal" COMPLAINTS constitute "PUBLIC" records subject to Williamson's (as shown above) any form of "Request for Disclosure of Public Records" pertaining to or being "subject to" public disclosure according to SDCL 1-27-39 as referenced by BUREAU "chief" Williamson."

Playing
"stupid"
again.

Response: The Department is unsure what records are being requested in this section. Pursuant to SDCL 1-27-37 (3), the Department of Human Services requests clarification as to which records are being sought.

South Dakota's open records procedures can be found at SDCL 1-27-35 through 1-27-41.

Sincerely,

Jenna E Howell