

Response to latest email: In-Home Service Assessment + (plus) OPEN RECORDS "DEMAND FOR DOCUMENT" + DISCRIMINATION allegations

From: David Schied (deschied@yahoo.com)

To: kelli.werner@state.sd.us; rovine.page@state.sd.us; dhsinfo@state.sd.us

Cc: marybethhollatz@gmail.com; tom.eads@state.sd.us; jennifer.lewis@state.sd.us; linda@wrl.org; financemanager@wrl.org; yvette.thomas@state.sd.us; leslie.lowe@state.sd.us; deschied@yahoo.com; shawnie.rechtenbaugh@state.sd.us

Date: Monday, March 7, 2022, 06:01 AM MST

TO: Rogine Page, Yvette Thomas, Tom Eads, Shawnie Rechtenbaugh, Mary Beth Hollatz, Ryan Brunner, and Governor Kristi Noem:

By the time you had sent me the email below in covering up the manipulative LIE of Kelli Werner - in which she used the name, career, and reputation of my doctor Dr. Berens in the attempt to COERCE me into scheduling a 2-hour interview, which you have now fully endorsed but "whitewashed" over AFTER leaving Werner's FRAUD standing for three days and only AFTER I demanded PROOF of her claims about my doctor - **I had already spoken with my doctor and uncovered that his office had NOT PROVIDED ANY REFERRAL SINCE JULY OF LAS YEAR!**



Kelli Werner

You should already know by my letter dated 6/19/21 that I am fully aware that YOU, Rogine Page were at the heart of the "TAXPAYERS" of this STATE OF SOUTH DAKOTA being on the losing end of a "discrimination" lawsuit as a result of your decision-making in "HUMAN RESOURCES." **I NOW ACCUSE YOU, KELLI WERNER, (and others of your cohorts like Jennifer Lewis) OF SIMILAR DISCRIMINATION.**

Again...

So herein, my RECORDED PHONE DISCUSSIONS PROVE that these inexperienced STATE "agents" are overriding the medical doctors on determining my "needed level of care" and the federal SOCIAL SECURITY ACT's CONTRACT with the STATE OF SOUTH DAKOTA on what is required to be paid for out of both FEDERAL and STATE funding for that care.

So, let's now review exactly how "inexperienced" these agents of the STATE are – both in terms of who they are and the context in which the STATE OF SOUTH DAKOTA is applying them in decision-making – besides SECRETARY Shawnie Rechtenbaugh's agents

of "Patty" and "Laura", who are apparently overriding both medical doctors and the CONTRACT that the STATE OF SOUTH DAKOTA has with the "federal government" under the various TITLES of the SOCIAL SECURITY ACT.

35

ROGINE PAGE

Rogine Page is not "inexperienced". On the contrary, she has been so "experienced" as to have been instrumentally involved in "hiring" decisions to be named in an EMPLOYMENT DISCRIMINATION case filed by the UNITED STATES OF AMERICA against the DEPARTMENT OF SOCIAL SERVICES ("DSS"), indicating that as an ADULT SERVICES AND AGING SPECIALIST ("ADA") SUPERVISOR, her considered evaluations of "employment applicants" interviews of those being considered for hiring were markedly instrumental to the UNITED STATES proving that the STATE OF SOUTH DAKOTA has a marked history of implementing DISCRIMINATORY PRACTICES within its DEPARTMENT OF SOCIAL SERVICES and relating also to its DIVISION OF ADULT SERVICES AND AGING.

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THE SOUTH DAKOTA DEPARTMENT
OF SOCIAL SERVICES,

Defendant.

CIV. 15-5079-JLV

REDACTED ORDER

<https://www.law360.com> › other › articles › social-service...

Social Services Dept. Settles Native American Hiring Bias Suit ...

The case was **United States of America v. The South Dakota Department of Social Services**, case number 5:15-cv-05079, in the U.S. District Court for the District ...

Social Services Dept. Settles Native American Hiring Bias Suit

By Kelly Zegers · January 30, 2020, 9:00 PM EST

The South Dakota Department of Social Services will pay out \$350,000 to settle a suit in which the federal government accused the agency of intentionally discriminating against Native American job applicants....

36

... Nancy Sletto was the ASA Specialist Supervisor from the mid-2000's until 2010. (Sletto Dep. 40:14-15; 42:5-6.) Sletto was replaced by Rogine Page, who was the ASA Specialist Supervisor from July 2011 through the present. (Page Dep. 21:12-20.)

Each Supervisor in turn reported to a Regional Manager. There were two Regional Managers with management responsibilities for the Pine Ridge Office. First, the Regional Manager for the Division of Economic Assistance ("DEA Regional Manager") oversaw the Employment Specialist Supervisor and the Benefits Specialist Supervisor, along with the respective Employment Specialists and Benefits Specialists. ...

the mid-2000s until 2010. Id. ¶ 30. Rogine Page replaced Ms. Sletto and has been the ASA Specialist Supervisor since July 2011. Id. ¶ 31.

Normally there are a static number of Specialist positions at the DSS Pine Ridge Office and the opportunity to hire a new employee only arises when a vacancy in an existing Specialist position occurs. Id. ¶ 36. When a vacancy occurs the supervisor of that position (the "Hiring Supervisor") informs the regional manager and prepares a requisition request asking that the position be advertised. Id. ¶ 37. DSS assigns each requisition a unique number.

The Plaintiff also asserts that DSS hired Jeanie Montgomery (Caucasian) as an ASA Specialist instead of Irene Red Cloud (Native American). (Doc. 46 at 20.) Rogine Page, the Hiring Supervisor for that position, testified that Montgomery had "a lot of work experience," including prior caseworker experience at a mental health facility. (Page Dep. 140:22-141:6.) Montgomery's Rationale for Appointment stressed Montgomery's experience as a nurse, which Page believed would be helpful for the ASA Specialist Position. (*Id.* at 142:6-10.) Additionally, Page testified that Red Cloud had a "sketchy" job history, because "this job was three months, this job was two months, this job was – oh, that was ten months . . . That concerns me as a supervisor who has not had any Specialists for a year as to her work history." (Page Dep. 150:7-15.) Additionally, Red Cloud had not been employed since 2003. (Page Dep. 150:18-19.) Perhaps most importantly, Page testified

that Red Cloud would not accept any less than \$17.00 per hour, and that she would not have been able to get that as an ASA Specialist. (Page Dep. 154:3-16.)

McDonald's is giving 90,000 workers a raise

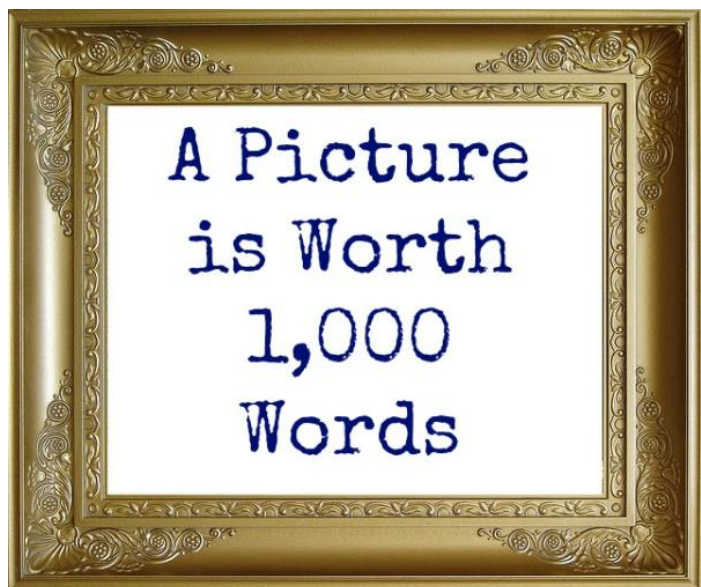
Apr 2, 2015 — The result: the fast food giant projects that its average hourly wage will reach more than \$10 an hour by the end of 2016 -- up from \$9.01 ...

37

I cannot agree with your conditional DEMAND for me to be interviewed for two hours on the phone as based upon the conditions above (and below); and for reason that my apartment management is doing reconstruction on the outside of my individual unit and causing a near constant loud construction noise that does not permit continuous conversations with COERCIVE and LYING functionaries such as those like you and Kelli Werner working for Yvette Thomas and Shawnie Rechtenbaugh as the unelected administrative agents of the sovereign People's elected fiduciary GOVERNOR, Kristi Noem, who is acting strictly under the PUBLIC TRUST and the SOUTH DAKOTA CONSTITUTION.



I have been working diligently on an "answer" to your email below; however, for "good reason" I am requesting "ADA Compliance" in your providing me with the "reasonable accommodation" of "extra time" due to the FACT that I am a recent "totally and permanently disabled quad-amputee" for which you have requested a "two-hour interview" today on what one picture should otherwise convey to you in over "1000 words":



"I NEED STATE 'MEDICAID'."

As a final note given that neither YOU (Rogine Page) nor your manipulative and tyrannical "liar," **Kelli Warner** - who I have recorded on a previous phone call, again, attempting to **COERCE** me through unconstitutional "non-transparency" and violating my rights to be "fully informed" and "fully participating" in my own medical decision-making by refusing to answer my questions while demanding answers from me, and subsequently hanging up on me when I confronted her with her rude interruptions - have provided me with the copy of the so-called "Referral from Dr. Block" that I had otherwise **DEMANDED "ASAP"** in my last email I **HEREIN** reassert my **DEMAND** for the referenced "Referral for [me] from Dr. Berens for In-Home services."

Kelli Werner's COERCIVE phone call is PUBLIC RECORD at: http://www.ricobusters.com/wp-content/uploads/2022/02/121321_KEY-DHSKellyrudehungup-refusedtoprovideinfo.wav

IF for any reason you cannot provide THAT specific document, I wish THAT to be placed in writing. IF you wish to FRAUDULENTLY replace that document with another ENTIRELY DIFFERENT DOCUMENT of the **"referral sent to us by EA/LTC for potential HOPE waiver services"** then I wish you to TRUTHFULLY designate that document as such being "DIFFERENT". In that case, I hereby also request that SECOND document also under the STATE "OPEN RECORDS" laws supporting the "letter" and the "spirit" of the PUBLIC TRUST in "government transparency."

You have 10 days to provide me with these requested documents. In the meantime, I will work on the completion of my "ANSWER" to your request that I inform you about **"how [I] would like to proceed"** as depicted in your email immediately below.

As a reminder, I spent virtually all year last year seeking "government transparency" in this matter of YOU - acting on the behalf of Yvette Thomas and Shawnie Rechtenbaugh as the "ADMINISTRATIVE ['DEEP'] STATE that is SEDITIOUSLY undermining the laws and the fiduciary obligations of your "principal," being the "sovereign People's representative" of Kristi Noem. I herein accuse YOU - based upon the EVIDENCE accumulated for this entire past year - of OBSTRUCTION of the "will of the People" by your interfering with the GOVERNOR's fiduciary obligation to me as "one of those sovereign People."

As a final OPEN RECORDS "request for documents," I wish to have the email address and phone number for Ryan Brunner, who was recently transferred to the GOVERNOR'S inner office staff as "senior policy advisor." I additionally wish to have all documentation related to Melissa Klemann as the GOVERNOR's former "senior policy advisor," particularly during her time in working for the OFFICE OF THE GOVERNOR.

NOTE: I make these demand of the STATE -- whoever you are, whatever your "title" and "jurisdictional" piece of the STATE "pie," and wherever you wish to point the finger as the "person" in charge of ANSWERING my "OPEN RECORDS" demands (i.e., "forward" it to the right DEPARTMENT, BUREAU, DIVISION, SECTION, AGENCY, UNIT, or OFFICE yourselves, rather than again trying to FORCE me into doing your administrative work for you as "involuntary servitude." You long ago received my FEE SCHEDULE for "administrative services" - as you are otherwise expecting me **(as a bona fide "poor, elderly, and disabled" WELFARE BENEFICIARY and NOT A "TAXPAYER")** to pay all of own transportation and all medical and dental costs NOT COVERED by the Federal MEDICARE's 80%. You already know that **YOU OWE ME** (individually and collectively) much.

THIS is what "GOVERNMENT TRANSPARENCY" LOOKS LIKE when the sovereign People are back in control of a "government [otherwise] run amok."

Cordially yours,
David Schied

Disclaimer: This e-mail is covered by the Electronic Communication Privacy Act, 18 U.S.C. Section 2510-2521 and is legally privileged. The accompanying message and any attachments are for the sole use of the intended recipients and may contain proprietary and/or confidential information which may be privileged or otherwise protected from disclosure. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipients, please contact the sender by reply email and destroy the original message and any copies of the message as well as any attachments to the original message. Thank you for your cooperation.

On Tuesday, March 1, 2022, 04:13:32 PM MST, Rogine <rogine.page@state.sd.us> wrote:

David ~ LTSS is attempting to set up an assessment with you regarding a referral sent to us by EA/LTC for potential HOPE waiver services. Dr. Beren's is listed on the referral as your current physician. If you would like to continue with this process we would be happy to accommodate you in completing that assessment at one of the times/days listed below in the original email. Please let us know how you would like to proceed. Thank you, Rogine

Rogine Page – Region 2 Supervisor

Long Term Services & Supports

2411 Hero Avenue

PO Box 729

Hot Springs, South Dakota 57747-0729

605.745.5014

****Only look back to see how far you have come****



Confidentiality Notice

This message is being sent by or on behalf of the South Dakota Department of Human Services. It is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, attorney-client privileged, confidential, or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy, or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by telephone at 605.367-5444 or by reply transmission by email, and delete all copies of the message.

Non-Discrimination

The Department of Human Services does not exclude, deny benefits to, or otherwise discriminate against any person on the basis of actual or perceived race, color, religion, national origin, sex, age, gender identity, sexual orientation or disability in admission or access to, or treatment or employment in its programs, activities, or services. For more information about this policy or to file a Discrimination Complaint you may contact: Discrimination Coordinator, Legal Services, 3800 E. Hwy 34, c/o 500 E Capitol Ave., Pierre SD 57501. Phone: 605.773.5990. Email: dhsinfo@state.sd.us.

From: David Schied <deschied@yahoo.com>
Sent: Tuesday, March 1, 2022 2:24 PM
To: Werner, Kelli <Kelli.Werner@state.sd.us>
Cc: Page, Rogine <Rogine.Page@state.sd.us>; marybethhollatz@gmail.com; Eads, Tom <Tom.Eads@state.sd.us>; Lewis, Jennifer <Jennifer.Lewis@state.sd.us>; Linda Williams <linda@wrl.org>; financemanager@wrl.org; Dave Schied <deschied@yahoo.com>
Subject: Re: [EXT] In-Home Service Assessment

DHS Kelli Werner and Rogine Page:

Please scan that "referral for in-home services" and send it to me as an attachment ASAP. I do not have a copy, do not recall discussing with Dr. Berens any such "referral for in-home services", and by law have the right to participate in my own medical treatment while being "fully informed".

I have exercised due diligence today in requesting a discussion of this matter with my doctor and his nurse. After review and discussion with my doctor about uour assertion about his "referral for in-home services", I will further consider your schedule for "interview for completing an assessment over the phone" on the same.

This message is being copied to Governor Noem's office for quality assurance.

Cordially yours,
David Schied

Disclaimer: This e-mail is covered by the Electronic Communication Privacy Act, 18 U.S.C. Section 2510-2521 and is legally privileged. The accompanying message and any attachments are for the sole use of the intended recipients and may contain proprietary and/or confidential information which may be privileged or otherwise protected from disclosure. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the

intended recipients, please contact the sender by reply email and destroy the original message and any copies of the message as well as any attachments to the original message. Thank you for your cooperation.

On Monday, February 28, 2022, 11:07:01 AM MST, Werner, Kelli <kelli.werner@state.sd.us> wrote:

Good morning David,

I have received a referral for you from Dr. Berens for In-Home services. I would like to call and complete an assessment with you over the phone. Below is a list of dates and times I am available. If you are interested please let me know which date and time work for you, the assessment should take approximately two hours to complete. Thank you for your time.

Thursday March 10, 2022

10:00 am – 12:00 pm

Or

1:00 pm – 3:00pm

Friday March 11, 2022

10:00 am – 12:00 pm

Or

1:00 pm – 3:00pm

Kelli Werner, Services Coordinator

Long Term Services & Supports

1300 North Ave

Spearfish, South Dakota 57783

605-642-6981, Ext 1



Confidentiality Notice

This message is being sent by or on behalf of the South Dakota Department of Human Services. It is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, attorney-client privileged, confidential, or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy, or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by telephone at 605.367-5444 or by reply transmission by email, and delete all copies of the message.

Non-Discrimination

The Department of Human Services does not exclude, deny benefits to, or otherwise discriminate against any person on the basis of actual or perceived race, color, religion, national origin, sex, age, gender identity, sexual orientation or disability in admission or access to, or treatment or employment in its programs, activities, or services. For more information about this policy or to file a Discrimination Complaint you may contact: Discrimination Coordinator, Legal Services, 3800 E. Hwy 34, c/o 500 E Capitol Ave., Pierre SD 57501. Phone: 605.773.5990. Email: dhsinfo@state.sd.us.