

## Mike Rounds

Mike Rounds (R-SD) was elected governor of South Dakota in 2002 and was reelected in 2006. Under the state's term limits law, he cannot run for reelection in 2010.

Gov. Rounds:

- Resisted efforts to promote government transparency and frustrated public access to information
- Used his office for personal benefit
- Abused state authority for the benefit of friends and family

### CHARGE ONE: RESISTANCE TO TRANSPARENCY

Gov. Rounds has systematically impeded the public's access to relevant information about the activities of South Dakota's government. For example, Gov. Rounds used private funds to reimburse the state for his personal travel aboard state aircraft but has repeatedly refused to reveal the names of his funders, prompting a state senator to introduce a bill to force disclosure.<sup>1</sup>

Gov. Rounds has shielded political allies from public scrutiny as well.<sup>2</sup> The governor declined, for instance, to release information about his Republican predecessor's unprosecuted traffic infractions.<sup>3</sup> Former Gov. Bill Janklow, a notorious violator of traffic laws, mysteriously stopped receiving tickets after his third gubernatorial election in 1995.<sup>4</sup> Mr. Janklow, who was elected to the U.S. House of Representatives in 2002, resigned from congress in 2003 to serve jail time for killing a motorcyclist by running a stop sign while speeding.<sup>5</sup>

The state's annual, invitation-only pheasant hunt brings state leaders together with major business interests to showcase South Dakota's investment opportunities.<sup>6</sup> Although the hunt is state-organized, Gov. Rounds has refused to release the list of invitees and has even gone to court to keep the information secret.<sup>7</sup>

Gov. Rounds vetoed a popular transparency bill during the 2008 legislative session.<sup>8</sup> The legislature failed to override his veto by two votes.<sup>9</sup> In the next session, Gov. Rounds signed South Dakota's first disclosure measure into law.<sup>10</sup> Open records advocates have noted that the statute maintains exclusions and loopholes, including exemptions for official correspondence and internal memoranda.<sup>11</sup>

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<sup>1</sup> Terry Woster, Lawmaker: Governor's Club Donor List Should be Public, *Argus Leader*, January 1, 2006.

<sup>2</sup> Randell Beck, South Dakota Keeps its Secrets, *Argus Leader*, January 11, 2004.

<sup>3</sup> Id.

<sup>4</sup> Id.

<sup>5</sup> Monica Davey, Lawmaker Guilty of Manslaughter; Says He'll Resign, *The New York Times*, December 9, 2003.

<sup>6</sup> Terry Woster, In Court: Pleas for Public Access, *Argus Leader*, April 24, 2007.

<sup>7</sup> Id.

<sup>8</sup> Terry Woster, Lawmakers Save One Vetoed Bill, *Argus Leader*, March 18, 2008.

<sup>9</sup> Id.

<sup>10</sup> Josie Kerk, South Dakota Amends State Records Statute, *The Volante*, April 1, 2009.

<sup>11</sup> Id.

## **CHARGE TWO: USING STATE RESOURCES FOR PERSONAL PURPOSES**

In 2005, a review of the state's air travel logs revealed that Gov. Rounds routinely used state aircraft for non-official travel.<sup>12</sup> During the 2004–2005 high school basketball season, Gov. Rounds used state planes to ferry himself, family, and friends to five of seven of his son's road games.<sup>13</sup> Gov. Rounds also acknowledged using state planes to attend Republican Party political functions; a certified pilot, he has frequently flown the planes himself.<sup>14</sup> Under state law, the governor is not barred from using state planes for personal use.<sup>15</sup> He has, however, reimbursed the state for his personal travel with political contributions from his Governor's Club; this private fund has raised serious legal questions, including possible breaches of federal policy pertaining to third party financing.<sup>16</sup> A Federal Aviation Administration (FAA) investigation, however, found no violations of federal regulations.<sup>17</sup> Following the revelation of Gov. Rounds's personal use of state aircraft, South Dakota residents voted by referendum to restrict state aircraft use to official purposes.<sup>18</sup>

## **CHARGE THREE: USING A GOVERNMENT POSITION TO HELP FAMILY**

In the spring of 2007, Gov. Rounds made the firing of a longtime federal game warden a priority, going so far as to threaten terminating cooperation between state and federal wildlife officials unless the warden was removed.<sup>19</sup> Although the warden had been the subject of numerous complaints, an internal investigation cleared him of wrongdoing.<sup>20</sup> Only after the governor's calls reached a fever pitch did it become known that Gov. Rounds's family members, including his brother, were among those investigated by the warden for code violations.<sup>21</sup>

Additionally, Gov. Rounds rewarded a business partner when he appointed his partner's daughter, Kristen Conzet, to an open seat in the state legislature.<sup>22</sup> In late 2009, state Rep. Brian Dreyer of Rapid City, S.D., resigned his seat pending his deployment to Afghanistan; Gov. Rounds then appointed Ms. Conzet to fill his seat.<sup>23</sup> Gov. Rounds and Ms. Conzet's father, Karl Fischer, run insurance and real estate agencies together.<sup>24</sup>

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<sup>12</sup> Stu Whitney and Terry Woster, Rounds' Family, Friends, Fly Free on State Planes, *Argus Leader*, September 25, 2005.

<sup>13</sup> Id.

<sup>14</sup> Id.

<sup>15</sup> Id.

<sup>16</sup> Whitney and Woster, *Argus Leader*, September 25, 2005.

<sup>17</sup> Id.; Terry Woster, Rounds' Airplane Travel OK, Says FAA, *Argus Leader*, January 22, 2006.

<sup>18</sup> Louis Jacobson, Watching, Waiting in the States, *Roll Call*, December 4, 2006.

<sup>19</sup> Tony Dean, No Real Winners in S.D. Game Warden Flap, *Argus Leader*, May 30, 2007; Drop Dispute With Warden, *Argus Leader*, June 7, 2007.

<sup>20</sup> *Argus Leader*, June 7, 2007; Sporting and Conservation, *Argus Leader*, November 11, 2007.

<sup>21</sup> *Argus Leader*, June 7, 2007.

<sup>22</sup> Peter Harriman, Rounds' Pick for Open State House Seat is Partner's Daughter, *Argus Leader*, December 3, 2009.

<sup>23</sup> Id.

<sup>24</sup> Id.