



## Beardsley Jensen & VonWald

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August 27, 2014

Office of the City Attorney  
Allison O. Marsland, Assistant City Attorney  
300 Sixth Street  
Rapid City, South Dakota 57701

Re: Request for Abstention

Dear Allison:

Please accept this letter on behalf of Bolt Companies, Inc., d/b/a Bolt Construction, as its request for Councilwoman Charity Doyle to abstain from any discussion or voting on the issue of Rana Graham's request that the City Council revoke or suspend the license for Bolt Companies, Inc. This request is being made pursuant to S.D.C.L. § 6-1-17, which states in relevant part that: "No county, municipal, or school official may participate in discussing or vote on any issue in which the official has a conflict of interest."

This request is also made pursuant to *Hanig v. City of Winner*, where the South Dakota Supreme Court explained "the importance of government officials to serve their government and the people, uninfluenced by adverse motives and interests." *Hanig v. City of Winner*, 2005 S.D. 10, ¶ 15, 692 N.W.2d 202, 207. The *Hanig* court also explained the importance of due process:

A fair trial in a fair tribunal is a basic requirement of due process. This applies to administrative agencies which adjudicate as well as to courts. Not only is a biased decision maker constitutionally unacceptable, but our system of law has always endeavored to prevent even the probability of unfairness.

*Id.*, 2005 S.D. 10, ¶ 10.

Councilwoman Doyle's conflict of interest is evident as she has been actively advocating on behalf of Mrs. Graham since the outset of this matter:

- Councilwoman Doyle is Rana Graham's neighbor and called Mr. Bolt to advise him to take care of Mrs. Graham's complaints.
- Councilwoman Doyle then called Mr. Bolt after he placed a lien on Mrs. Graham's house and advised that it was a fraudulent lien and that he would never roof her house.
- Councilwoman Doyle accompanied Mrs. Graham and her husband to the Building Board of Appeals meeting on August 12 and left the meeting with the Grahams.

Mr. Bolt believes that Councilwoman Doyle has a clear conflict of interest and that his due process rights would be violated if she participated in this matter. As such, Mr. Bolt requests that Councilwoman Doyle abstain from discussing or voting on this issue.

Respectfully submitted this 27<sup>th</sup> day of August, 2014.

BEARDSLEY, JENSEN & VON WALD,  
Prof. L.L.C.

By: Brad J. Lee

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