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**NOVEMBER 25, 2025 REPORT OF INVESTIGATION
TO RAPID CITY COMMON COUNCIL
REGARDING COMPLAINTS -BILL EVANS, COUNCIL MEMBER**

On October 23, 2025, a Complaint of Code Violation was filed with the City by Matt Ehlman against Bill Evans related to purported conduct by Evans at the October 8, 2025 meeting of the Rapid City Historic Preservation Commission (HPC) (hereinafter "Ehlman Complaint"). Pursuant to the Rapid City Code of Conduct for Elected Officials, the undersigned¹ was asked to conduct an investigation and create a report making findings as to the facts, setting forth statutes, regulations and laws relevant to the complaint. On November 12, 2025, a Complaint of Code Violation was filed by Dave Viall against Evans related to his conduct at the same meeting. (hereinafter "Viall Complaint").

The Ehlman Complaint and Viall Complaint are attached in Tab A. The relevant statutes, regulations and laws relevant to the Complaints are attached in Tab B. The Complaints were provided to Evans, and he was offered the opportunity to provide anything in writing and to suggest individuals to interview².

BACKGROUND & MATERIAL REVIEWED

As part of the investigation, the following materials in Tab A were reviewed³:

1. 10/8/2025 Ehlman Complaint.
2. 11/12/2025 Viall Complaint.
3. 11/12/2025 Evans written response to Ehlman Complaint enclosing
 - a. Rebuttal

¹ The undersigned is an attorney licensed by the State of South Dakota, has practiced law for over 30 years in South Dakota, had been involved in hundreds of investigations related to workplace matters and/or conduct of elected officials, and has been involved in public sector matters for over 20 years. The undersigned has no affiliation with any of the individuals involved in this matter and no bias as to the facts or outcome exists.

² Evans suggested Council member Greg Strommen be interviewed.

³ Additional items were received, however, not relevant to the undersigned's decision, and are disclosed as part of the "materials reviewed by the investigator" that includes a 10/29/25 McDonald letter to Landeen and 11/7/25 Landeen letter to McDonald (open records request with 10/8/25 HPC draft minutes). (Tab C). Also received were transmittal emails containing no substantive information as to the relevant matter and emails related to dates/times for interviews, either of which are not made part of the record, but can be produced upon request.

- b. Witness request
- c. 11/10/2025 Stockgrowers Association letter
- d. Final plan
- e. Original plan
- f. 5/2025 TIFF proposal
- 4. 11/14/25 Ehlman's written reply enclosing:
 - a. TIF application
 - b. 4/30/2025 Minutes (Council Meeting)
 - c. 5/5/2025 Minutes (Council Meeting)
 - d. Construction Document rendering
- 5. Rapid City Code of Conduct for Elected Officials.
- 6. Rapid City Common Council Policies & Procedures.
- 7. Rapid City Employee Handbook.
- 8. HPC website information and Bylaws.
- 9. 10/8/2025 HPC meeting agenda with 25CM002-Notificaiton Packet.
- 10. 10/8/2025 packet State.
- 11. 10/9/2025 State letter to Rapid City.
- 12. Draft minutes of the 10/8/2025 HPC meeting⁴
- 13. 10/8/2025 to 10/12/2025 emails.
- 14. April 2025 Tax Increment District #94.

Such documents generally provide background and information related to the Complaints. Of note, the 10/8/2025 HPC meeting involved discussion about a 3- story mixed use building (hereinafter "the Project"). As to the Project, in 2023 the City sold the land on which it was later proposed to be built. In April and May of 2025, the Council reviewed the Project. The 4/30/2025 Council meeting minutes note the Project was at its core/essence the same in scope as when the land was sold and the land sale was reaffirmed by vote at the 4/30/2025 Council meeting. At the 5/5/2025 Council meeting, renderings/drawings were submitted to the Council (that said "DRAFT CONCEPTS/ RENDERING-NOT FINAL"); the TIF for the Project was approved. Evans voted in favor of these motions.

As part of the Project, the HPC was required by State law to conduct a review and submit a report to the State. The HPC is a committee created by the City Council that is comprised of volunteers of varying backgrounds. A key role for HPC is its review of projects and making of recommendations to the State as required by South Dakota law. It does not have authority to direct the City (only the ability to make to the Council recommendations on actions on historic properties), and is not an architecture review board. The HPC was required to review the Project and file a report with the State because it was adjacent to the Stockgrowers Association Building, which is on the National Historic Registry (with special note as to its iconic sign). On or about October 6th, the HPC was provided a packet for its upcoming meeting that

⁴ Minutes of the 10/8/25 HPC meeting were drafted after the meeting wherein there is no mention of Evans' conduct. The person taking the minutes stated they were drafted without any mention of Evans' conduct in that it was her practice to just put in the minutes what was needed for the matter that was before the HPC (e.g. here the comments for the State to consider about the impact on the neighboring property). The meeting was not recorded.

included a rendering that showed the Stockgrowers Association next to the Project. After the meeting, the HPC submitted its report to the State. Thereafter, the State determined the Project "will not encroach upon, damage, or destroy a historic property".

After the HPC meeting, a number of emails were exchanged related to the October 8th meeting. (Tab B (13)). Of note:

- 10/8: HPC member emails that Evans' behavior was that like last time was not acceptable, and it was crazy behavior.
- 10/10: HPC/City staff emails that the meeting went off track, an apology on behalf of City for Evans' conduct, and discussion about Evans' conduct being inexcusable and concerns about implications.
- 10/12: Rod Pettigrew apology on behalf of the City and notation that Evans will be replaced as HPC liaison.
- 10/16: HPC/Pettigrew emails that HPC deserves better treatment, Pettigrew stating he will go to work on matter, and a summary of information from those who attended meeting.
- 10/17: Affirmation that the HPC members' assessment is supported.

INTERVIEWS

On November 12th and 13th the undersigned interviewed (in person) 14 individuals; 1 other person (GS) was later interviewed via telephone. 12 or the 13 individuals present at the October 8, 2025 HPC meeting were interviewed⁵.

A. Evans Interview:

As to my interview of Evans, he stated he has served on 8-9 City committees without prior complaints as to his conduct. Prior to the October 8th HPC meeting, he had recently been appointed as the Council liaison to the HPC. He believed his liaison role was to make sure Council's input was considered and validated by the HPC, to communicate the Council's path, to protect the Council's position, and to protect the Council from being accused of collusion with individuals and developers. He was not a voting member of the HPC and did not understand what its role was or what they were to consider in their work. He, however, believed the HPC was to review the Project to determine its merit (here the Project's design as impacting the neighbor property) and with its given authority to tell the Council to not allow the Project to be built.

At the October 8th meeting, Evans spoke for 20 or more minutes. He presented a list of Project flaws (pretty much everything about the Project was flawed he recalled), said what he thought needed to be

⁵One person who attended the meeting did not ever respond to the request for an interview. Council member Rod Pettigrew reached out to the undersigned requesting to be interviewed. Neither Pettigrew nor Strommen were present at the October meeting. Where either of their comments were considered, their initials (RP, GS) are inserted into the report.

done, and spoke about how what was presented to the HPC was not the same as what the Council had approved with the 2023 sale of the property or on 5/2025 with the TIF approval related to the Project. During the October 8th meeting, he brought up other issues (e.g. other HPC projects and TIFs) hoping the HPC would then police issues before them in light of his comments. He said the owner had misrepresented the Council's approval and lied about the Project. In response to an owner's comment, he said something like he did not care/no one wanted to hear what the owner had to say. After a HPC member commented about the design, he asked her what her credentials were to comment as to architecture, himself already having told the HPC about his qualifications and opinions as to the Project design as well as sharing with them his sister's qualifications and opinions. After the meeting Evans met with City staff and told them it was not their job to be a champion for the Project and the developer (not them) should have presented the Project to the HPC.

Evans believes his conduct at the meeting was overall respectful. He does not agree that he interrupted others, that he was asked to stop interrupting others or asked to stop talking, or that others said anything about needing to focus on something different or said they were redirecting him. He did not toss paper, get louder while talking, use hand gestures to make points, lean over or back, or slide down in his chair. He acknowledged that he has a loud voice and may be gregarious and has been perceived as aggressive in the past, but believes at the October 8th meeting he was honest, upfront and respectful.

B. Interview of others⁶:

At to my interview of the other 12 individuals who were present at the October 8th HPC meeting, a number of them stated that the HPC's purpose at this meeting as to the Project was to discuss the impact the Project had on listed historical properties and to provide comments to the State, and the HPC could not change the TIF or stop the Project. (1, 7, 8, 9, 12, 14). At prior HPC meetings, no one besides Evans behaved in the manner in which he did. (2, 3). At HPC meetings prior Council liaisons appointed to the HPC would listen to report back to the Council (8, RP), not take over the meetings (14), and would simply provide answers to the HPC if it had questions (8, RP).

These persons interviewed described Evans' general conduct that occurred during the meeting as:

Monopolization: Evans spent well over half of the meeting time talking (e.g. he spoke 30 minutes, 40+ minutes, more than half of the time). (1-3, 5, 12).

Interrupting: When others started to speak, Evans kept interrupting them. (1, 3, 4, 7, 8, 10, 14). He would do so even when they asked him to not interrupt when someone else was speaking. (1, 9). He would talk over them when others tried to speak. (3, 4). He would interrupt when someone was trying to explain something. (3).

Being off-topic: Most of what Evans said throughout the meeting was not on topic to the purpose of the meeting. (1, 3, 4, 7, 8, 9, 11).

⁶ Since some interviewed were concerned about retaliation, each of the 12 persons were assigned a number and such number is utilized herein as to whom said what. The Council members interviewed are referred to by initials.

Disregarding requests to be on-point: Several times during the meeting, when those present tried to redirect Evans explaining what the purpose of the meeting was or what the HPC purpose was to do as to the Project (e.g. to review possible negative impacts on the neighboring property and provide comments to the State, not to talk about the general design of the project, not to be a design review board, etc.), Evans would continue to monopolize, interrupt, not be on point to the matter, and yell. (1, 3, 4, 7, 8, 9, 11). He did so even when someone specifically told him that was enough. (3).

Overly loud voice: While it was stated that Evans generally has a loud voice (10), during the October 8th meeting Evans' voice escalated to a much louder level (1, 2, 3, 4, 5, 7, 8, 10, 12, 14) even to the point of yelling (9).

Tone: Evans was dismissive (8), condescending (4), angry (5), rude (1, 8), mean (8) and aggressive (1) in tone. His demeanor was "bad" (3). He made unnecessary criticism and attacks. (2). He was disrespectful and wrongfully "ran down" (was critical) of others. (7).

Physical conduct: Evans' physical conduct was aggressive. He used hand gestures such as moving his hands around in an authoritative way (5) and put up his hand when someone was trying to or was actually speaking (1). He leaned forward when not in agreement with what someone was saying. (1, 2, 4). He pushed back while in his chair in a manner to show he was upset or not listening. (1, 2). He would shake his head when not in agreement with what someone was saying. (1). He aggressively tossed/threw papers down. (2, 4). After someone said they thought the building looked nice, he pointed his finger at that person when disagreeing. (4). He was red in the face (4, 14) with a vein popping out (4). He moved his chair back and forth in an angry manner. (5).

These individuals interviewed as to specific comments made by Evans during the meeting, described comments of:

Questioning credentials of a HPC member to voice her opinion: When a board member said something positive about the design of the project, Evans made an inappropriate comment questioning the qualifications of that member who happened to be a licensed architect. (1, 2, 3, 5, 8, 9, 11, 12). Every person interviewed who mentioned this comment was very offended by Evans' comment. The person whom Evans made such comment was embarrassed by his comment.

Comments about the Project overall design and other comments not related to the Oct 8th meeting: Evans spent much of his time providing criticism of the overall design of the Project, unrelated to the scope of the HPC's role (e.g. his comments did not relate to the impact on the adjacent property). (1, 5, 8, 9). He said it was a "piece of shit" and "second rate". (7). He interjected comments about his architecture degree from decades past, his sister's qualifications and belief she would have designed a better project, which those in attendance perceived as not relevant, unhelpful, boastful. (4, 5, 7, 8, 12). He spent much of his words talking about matters that were not germane to the scope of what the HPC was actual to do. (1, 2, 7, 8, 9, 10, 11, 12,

14). Evans criticized other projects and TIFs that were not germane to the matter at the October 8th meeting. (1, 8).

Comments about and to the Project architect, owner, and contractor: Evans stated the Project presented to the HPC was not the same as presented to the Council when it sold the land or approved the TIF. (1, 2, 4, 5, 7, 8, 9, 11, 12, 14). He said they did not do what they told the City they were going to do (1) and they misrepresented what they were doing (7). He attacked the Project as presented as now being different. (3, 11). He said they had lied⁷ to the Council. (1, 10). He said something like, "You are going to make me into a 'God dam liar'" (8), and making him look like an "idiot" (10), and now he would have to apologize to the Council and public because he had been talked into voting for this project that he should have not voted for (7, 10). Evans said to the owner something like, "I don't care what you have to say" and "no one wants to hear from you". (4).

Comments about the HPC and City staff: Evans criticized prior HPC decisions that had been made and he directed the HPC as to the Project to take action that it was not authorized to do (e.g. tell the City the Project design was improper/bad). (1, 14). He told City staff it was not their job to defend the Project, was negative after they said the Project design met or exceeded requirements, said they should not be on the side of the developer/not their job to support the developer and it was bad for staff to move the Project forward. (1, 8, 9, 10). He questioned a staff's authority and qualifications. (9).

These 12 interviewed expressed why the conduct they described as inappropriate matters:

Adverse impact on volunteer committees: The conduct will cause volunteers on the HPC and other committees to either resign or not agree to be appointed to committees. (1, 5, 8, 9, 11, 12). Such result is especially harmful as it is hard to obtain volunteers to begin with, the committees often need a diversity of background and sometimes highly skilled/educated individuals to do the volunteer work, and there are (as with HPC) requirements for solid reports to the State that must be made by a qualified committee. (1, 3, 5, 12).

Adverse impact to HPC, existing and new projects: As to the HPC and specific Project, the conduct impeded the overall operations of HPC meeting as the business before the HPC did not get done in a best-practice manner; the HPC members did not have sufficient time to or were fearful to express opinions due to Evans conduct, which adversely impacted dialogue, brainstorming and consideration of key factors that could have been missed on this Project. (2, 3, 4, 5, 8, 12). As to other projects before the HPC and other committees, the conduct creates an adverse impact on existing progress as such behavior impedes attendees from expressing opinions and feeling heard. (1, 4). As to new projects, the conduct impacts new projects as individuals will not want to bring new ideas forward, and the conduct negates getting input from key committees about projects that otherwise may have made the project or community better due to fear those coming before the HPC or other committee will be similarly treated. (4, 8, 9, 12). Such impacts

⁷ One person did not recall that Evans called these persons liars. (4).

have an overall adverse effect on the City's functioning and stifle work to be done because others will not want to speak for fear of being subjected to such treatment, or because third parties will decide to not pursue Rapid City for projects as they do not want to go through such treatment. (1, 4).

Adverse impact to City employees: The conduct placed stress on City staff who were described as great, and they could quit rather than to continue working and being subjected to such treatment, thereby losing valuable, knowledgeable, well-trained and caring employees. (1, 5, 7, 8, 9, 12, 14). Staff may also perceive such conduct inflicted on them as implying they will be fired (1, 12), placed them unnecessarily at unease or in a hostile work environment (2, 9), and was frustrating as they were not prepared to address so many off-topic issues (1).

Impropriety of Elected Officials being subjected to lesser standards: City employees are required to treat members of the public and other City employees with courtesy, respect, and civility so the elected officials should not be held to a lower standard. (1). The elected officials need to set the standards so others will be civil. (1, 3).

Public loss of trust in government: The public loses trust in elected officials when they engage in this type of conduct, particularly as it is an abuse of their power. (1, 3). Additionally, the HPC's relationship with the elected officials is adversely affected. (8).

Loss of reputation of HPC, the City, and the Project parties: The HPC has long been working on its reputation in the community to establish its value it brings to the community and to demonstrate it is an asset and resource for others to use; what occurred tarnishes its reputation and integrity. (4, 7, 8, 9, 12). The City's reputation is overall damaged when an elected official acts this way. (4, 7, 9). The reputation of the architect, owner, and construction company was wrongfully tarnished. (8).

Civility. Individuals should not have to be subjected to such a lack of civility by an elected official. (2, 3, 4). Failure to be civil causes others to also not act civilly, especially where the person who first engaged in such conduct is an elected official. (1).

A few miscellaneous items raised during these 12 interviews include:

Unwillingness to meet: The project owner offered to meet with Evans after the meeting, but no effort was made by Evans to do so.

Lack of acknowledgment of conduct: When Evans learned those who attended the meeting had expressed concerns about his conduct, he made comments that they were liars (9) and needed to have thicker skin (RP). When he was informed he may be removed from the HPC liaison position, he stated he could just instead show up to HPC meetings and make comments as he wanted during the public input period. (RP). He seemed "proud" of how he acted, rather than contrite. (RP). He did not show any acknowledgement he had done anything wrong or show any remorse. (1).

Other Evans Conduct: Evans has engaged in this type of conduct before. He is overly loud/boisterous at Council meetings (7) and once had to be asked to settle down (RP). At a Planning & Zoning meeting he engaged in yelling and swearing conduct. (8). At a prior HPC meeting when he was not the liaison and for an issue that was not on the agenda, Evans made comments that were highly critical of the HPC for something that was not within its scope, he was overly loud, dominated the meeting, and berated the HPC. (12). Outbursts by Evans are not unheard of, his overall demeanor is animated, commanding, and loud, and to some his demeanor may be intimidating but to others it is not considered to be inappropriate. (GS).

Consequences: Those interviewed were not asked about what type of consequence should happen if the City Council determines Evans engaged in inappropriate conduct. One person, nevertheless, expressed that merely saying "sorry" or being censured was not enough and instead consequences needed to include (but not be limited to) a requirement that Evans make a sincere apology to all who were present at the meeting (HPC, City employees, owner, architect, and construction company representatives) and to the City's residents.

FINDINGS

After reviewing the materials and conducting the interviews, I find that the conduct by Evans as summarized by the 12 person who were at the October 8th meeting (not as described by Evans except as he otherwise admitted to the behavior that was described by the others) occurred. My finding is based on factors including:

- The demeanor of the 12 persons who were interviewed involved that of sadness (even almost in tears), and concern for positive City operations, treatment of others and progress, and sometimes fear of what could happen to them. In contrast, the demeanor of Evans was that of conveying righteousness and indignation. He often was evasive (not directly answering a question and had to be re-asked) and often interrupted and had to be asked to let me finish what I was saying before talking (which is consistent with what the meeting attendees (besides Evans) stated he did at the October 8th meeting).
- All of these 12 who expressed concerns about the conduct described Evans' conduct with consistency. The conduct as described to me was also consistent with what they had shared in emails prior to the interviews.
- The conduct Evans admitted to Council member Pettigrew as engaging in was consistent with the conduct reported by these 12 (e.g. Evans would have given the Project an "F", the Project plans were not what the Council approved, he should have voted against the Project, etc).
- Evans did admit to talking about issues during the meeting that I find not relevant, he did admit to stating the owner lied/made misrepresentation, and he did admit to questioning a member's qualifications to express an opinion during the meeting.

- There was no evidence of any prior witness collaboration as to what was said during the interviews. While on October 16th, information was gathered and summarized, prior then to meeting with me no one spoke to the person, reviewed the summary, or visited with each other about what each was going to say at the interviews.
- The 12 individuals were asked open-ended questions about Evans' conduct at the meeting, including asking about positive behavior. None of the 12 reported any positive behavior, except for once a person did state that there was one time during the meeting he was allowed to briefly speak without interruption, but later on Evans went back to interrupting.
- The conduct described by these 12 was consistent with the conduct set forth in the Complaints.
- Ehlman's Complaint was drafted utilizing a summary written the day of the 10/8 meeting, supporting accuracy as documented the same day.
- These 12 who reported concerns do not benefit from doing so, and many were sharing concerns even though doing so could have adverse consequences. City employees were concerned about being retaliated against in terms of raises, firings, etc. Some of the HPC members were concerned about them or their employers being retaliated against in terms of future projects and their employment should a Council member reach out to their employers about their comments. The Project owner, architect, and construction company could be retaliated against in terms of future projects; it is also noteworthy as to these individuals that prior to the interviews the State issued its decision that did not impact the Project and the City had already approved of it so they were not "interested" in the outcome of the complaint proceeding as to the impact on the Project.
- Conduct by Evan prior to October 8th supports a pattern of the type of behavior that was reported by these 12.
- A number of these 12 individuals expressed concern about Evans' conduct prior to Council member Pettigrew communicating his apology and opinion that Evans' conduct was inappropriate. Concern was expressed prior to anyone suggesting the conduct violated the City's Code of Conduct policies.
- While Evans' denies he engaged in inappropriate conduct, his denial is patently contrary to the consistent statements of everyone else present at the meeting and he, as opposed to the others, has a vested interest in the outcome of this report.

I find that Evans engaged in inappropriate conduct at the October 8, 2025 HPC meeting both in terms of the comments spoke and behavior exhibited as described by the 12 witnesses who were present at that meeting.

I find Evans' conduct at the October 8, 2025 HPC meeting was detrimental to those at the meeting and has greater likely implications as above described by those 12 witnesses.

I find that to date, Evans has not recognized his conduct to be inappropriate or to have caused any harm, he is not remorseful, and he perceives there is no need to change his behavior. I find that such failures on his part is further detrimental to the operations of the City of Rapid City.

I find that Evans was properly removed as liaison to the HPC.

I find that Evans did not properly understand his role as a liaison, did not properly understand the authority of the HPC or the issues that were to be decided on at the October 8, 2025 meeting, and that the design flaws of the Project as he described were not relevant to the issue before the HPC on October 8, 2025.

While Evans' conduct was inappropriate regardless of his opinions about whether the Project had substantially changed, I find that the Project did not materially change from the original concept in 2023 when the City sold the land, or from after the City Council approved the TIF for the Project.

Sincerely,

BOYCE LAW FIRM, L.L.P.

/s/ Lisa K. Marso

Lisa K. Marso
Enclosures