

IN THE SUPREME COURT

OF THE

STATE OF SOUTH DAKOTA

SUPREME COURT  
STATE OF SOUTH DAKOTA  
FILED

MAY 19 2023

*Shirley A. Johnson-Legal*  
Clerk

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In the Matter of Discipline of )  
JASON R. RAVNSBORG, )  
as an Attorney at Law )  
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FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
RECOMMENDATION AND  
FORMAL ACCUSATION

SDCL § 16-19-67  
# 30354

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A complaint was filed with the Disciplinary Board of the State Bar of South Dakota (Board) against Jason R. Ravensborg (Ravnsborg) by Alexis Tracy (Tracy), State's Attorney for Clay County, South Dakota, and an investigation was conducted by the Board.

Pursuant to Notice of Hearing, a hearing was conducted on March 31, 2023, in Aberdeen, South Dakota. The Board was represented by its counsel, Thomas H. Frieberg and Robert B. Frieberg, of Frieberg, Nelson & Ask, LLP, Beresford, South Dakota. Ravensborg appeared in person along with his attorney, Michael J. Butler of Rapid City, South Dakota.

Pursuant to SDCL § 16-19-67 the Board submits the following Findings of Fact, Conclusions and Recommendation for formal discipline which constitutes a formal accusation against Ravensborg.

**FINDINGS OF FACT**

1. Ravensborg resides in Pierre, South Dakota. He is single and 47 years of age.
2. Ravensborg is a 2001 graduate of the University of South Dakota Knudson School of Law and was admitted to the State Bar that year.

3. Following law school, Ravensborg clerked for a judge in Minnesota before entering private practice in Yankton, South Dakota in 2003 with the firm of Harmelink and Fox.
4. Ravensborg is a lieutenant colonel in the United States Army Reserve. Since being commissioned after completing ROTC, he has maintained a career as an Army reservist and has had frequent mobilizations and deployments, including Iraq in 2004 and 2005, and Afghanistan in 2009 and 2010. Ravensborg is presently on the Army Reserve list of candidates for promotion to colonel.
5. Ravensborg is active in Republican politics and was an unsuccessful candidate for the United States Senate in the 2014 Republican primary elections.
6. In 2018, Ravensborg was nominated for the office of Attorney General at the Republican State Convention and was elected to that office in the November general election that same year.
7. Ravensborg was installed as Attorney General in January 2019 and held that office continuously until he was impeached by the South Dakota Senate on June 21, 2022.
8. Attorney General Ravensborg is regarded as the chief law enforcement officer for the State of South Dakota. Ravensborg believes this is a public misperception.
9. Ravensborg would not acknowledge that as chief law enforcement officer for the State he should be held to a higher standard of conduct.
10. On September 12, 2020, Ravensborg drove his personal vehicle to Redfield, South Dakota to participate in a political gathering.
11. At the conclusion of the Redfield event, Ravensborg proceeded to drive his personal vehicle to return to his home in Pierre.

12. While enroute, he passed through Highmore, South Dakota and shortly after leaving Highmore, struck and killed a pedestrian, Joe Boever.
13. Ravensborg called 911, identified himself as the Attorney General and soon thereafter was met at the scene by the Hyde County Sheriff. He stated to the dispatcher that he did not know what he struck, but assumed he collided with a deer, but only after it was suggested by the 911 dispatcher that it may have been a deer.
14. After the arrival of the sheriff, Ravensborg states that both he and the sheriff looked along the ditch of the highway and did not locate what Ravensborg had struck.
15. The sheriff provided Ravensborg with the sheriff's personal vehicle to continue his travel to Pierre with the understanding that Ravensborg would return the following morning with the sheriff's vehicle.
16. The following morning, Ravensborg and his chief of staff returned to the scene near Highmore and discovered the body of Joe Boever laying along the highway.
17. Soon after the accident became public, the South Dakota governor publicly requested that Ravensborg take a leave of absence or resign his office of Attorney General, which he declined to do.
18. Following the September 12, 2020, incident, a thorough investigation was conducted by investigators from the State of North Dakota, because the South Dakota Division of Criminal Investigation (DCI) was under the supervision and control of Ravensborg.
19. In August 2021, Ravensborg entered a Nolo Contendere or no contest plea to two misdemeanors before the Honorable John Brown who had been

appointed to hear the matters by the Supreme Court of South Dakota.<sup>1</sup>

20. Ravensborg's plea was to two charges: operating a motor vehicle while using a mobile electronic device and improper lane driving. Judge Brown convicted Ravensborg on both counts and imposed a judgment of fine and costs on each charge.
21. On April 12, 2022, the South Dakota House of Representatives issued two Articles of Impeachment against Ravensborg.
22. On June 21, 2022, the South Dakota Senate conducted a trial in which Ravensborg was convicted. He was removed from office and prohibited from ever again holding public office in South Dakota.
23. Following his no contest plea, Ravensborg entered into a confidential settlement agreement with Joe Boever's family.
24. Ravensborg continued in office as the chief law enforcement officer for the state while he was the subject of a lengthy and often public investigation of his conduct related to the death of Joe Boever.
25. In the course of the investigation of Ravensborg by the investigators from North Dakota, Ravensborg was twice subjected to lengthy interrogations which were videoed, and which were released to the public prior to the determination by prosecutors to charge Ravensborg with two misdemeanors.<sup>2</sup>
26. When responding to the investigators' questions, Ravensborg occasionally did not appear forthright, and only willing to acknowledge certain conduct after confronted with evidence by the investigators.

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<sup>1</sup>Present counsel did not represent Ravensborg in the criminal proceedings.

<sup>2</sup> Ravensborg was questioned about the interrogations during the hearing. Judicial Notice of the interrogations is requested as they are common knowledge and accessible on YouTube.

27. Ravensborg frequently identified himself as "the Attorney General," including when encountering law enforcement for minor traffic violations such as speeding, and when making a 911 call from the highway shortly after killing Joe Boever.
28. Ravensborg had not reviewed nor considered Rule 8.4 of the South Dakota Rules of Professional Responsibility with respect to his conduct following the death of Joe Boever on September 12, 2020, until his appearance before the Disciplinary Board and in that instance had made only a cursory review.
29. Ravensborg considered the investigation of his conduct related to the killing of Joe Boever to be a political matter aimed to remove him from office because he considered himself to be a reformer, or outsider, who administered his office without influence from politicians protecting powerful people who were engaging in criminal conduct.
30. Ravensborg has not practiced law since his removal from office but intends to seek a position in an undetermined jurisdiction, while still maintaining the option to return to private practice in South Dakota.
31. Ravensborg was not sincere in his remarks concerning how badly he felt for Boever's family and bluntly stated "And I'm going down the road and my life changed" and that "I had no idea, to be clear, until the next morning when I found the body and it changed my life forever."
32. Ravensborg believes that his removal from office was politically motivated as was the complaint submitted by Attorney Alexis Tracy.
33. Ravensborg believes his military promotion has been placed on hold as a result of the Boever incident and the fallout that has followed.
34. During the entire length of the investigation of his conduct which led to the death of Joe Boever,

Ravnsborg insisted that he was not using his cell phone and that he was entirely on the driving lane of the highway, in accordance with the rules of the road. He was charged with using his phone and of being off the road at the time of the collision. He did not contest either charge and was convicted on both counts by the judge assigned to hear the matter.

35. During the period of time from the September 12, 2020 incident in which Joe Boever was killed and while continuing in the Office of Attorney General, being the chief law enforcement officer for the State of South Dakota, Ravensborg made no public or private apology or expression of condolences to the victim's family; refused to acknowledge publicly his culpability; failed to understand and acknowledge that in his position as Attorney General he held a prominent position and was expected to evidence a higher standard of conduct than that expected of less prominent lawyers.
36. In his initial written response to the Board member assigned to the initial investigation of the complaint, Ravensborg displayed a troubling lack of understanding of his obligations as a lawyer.
37. Ravensborg treated the Board's investigation as though it was a political dispute rather than a lawyer discipline matter. After persistent prompting from the Board, he reluctantly agreed that the Board was not part of a political conspiracy.
38. The Board's investigation was limited to Ravensborg's conduct after he collided and killed Joe Boever and not an attempt to re-litigate the criminal aspect of Boever's death.
39. Ravensborg's distracted driving outside his lane of traffic caused Boever's death.
40. While violating the laws governing the operation of motor vehicles on the public highways,

Respondent killed Joe Boever by striking Boever with Respondent's motor vehicle.

#### **CONCLUSIONS OF LAW**

- A. For purposes of determining whether Rule 8.4 of the Rules of Professional Conduct has been violated, it is the conduct of the attorney and not the criminal charges, or lack thereof, that is investigated.
- B. Ravensborg's conduct throughout the criminal investigation and impeachment process eroded public confidence in the legal profession.
- C. Ravensborg violated Rule 8.4 (d) of the Rules of Professional Conduct and his conduct was prejudicial to the administration of justice as follows:
  - i. Ravensborg's repeated statements to law enforcement officers who stopped him for traffic offenses that he was the Attorney General were improper and an attempt to use his office for improper purposes;
  - ii. Ravensborg's failure to accept responsibility for his conduct in killing Boever and his failure to acknowledge the detrimental impact it had on the legal profession;
  - iii. Ravensborg's concerns over the impact of the incident were more focused on his political and military careers than the victim, the victim's family and the public he served.
- D. Ravensborg's conduct damaged and was detrimental to the image and integrity of attorneys, the bar association, and the legal profession as a whole.

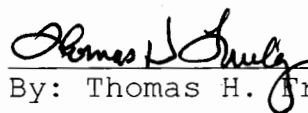
### RECOMMENDATION

Based upon the above Findings of Fact and Conclusions of Law, the Board hereby recommends that the Supreme Court discipline Ravensborg as follows:

1. Ravensborg be suspended from practice of law for a period of 26 months, retroactive to June 21, 2022 and these Findings of Fact, Conclusions and Recommendations be deemed a formal accusation pursuant to SDCL § 16-19-67.
2. Pursuant to SDCL § 16-19-67(3), Ravensborg has thirty (30) days in which to admit or deny the allegations of the formal accusation set forth above. If Ravensborg admits the allegations or fails to answer, the Supreme Court may proceed to render judgment.
3. If Ravensborg denies the allegations, the matter may be referred to a referee pursuant to SDCL § 16-19-67(4) or tried by the Supreme Court which may thereafter determine and impose such discipline as it deems appropriate.
4. Ravensborg would be deemed qualified to act as a legal assistant under such conditions of employment and supervision as the Supreme Court deems appropriate.
5. Ravensborg be assessed the costs of the State Bar of South Dakota in the investigation and prosecution of this matter as permitted under SDCL § 16-19-70.1.

Dated this 19<sup>th</sup> day of May, 2023.

DISCIPLINARY BOARD  
Roy A. Wise, Chair



By: Thomas H. Frieberg, Counsel



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Findings of Fact, Conclusions of Law, Recommendation and Formal Accusation was served by certified mail, return receipt requested, upon the following:

**Personal & Confidential**

Mr. Jason R. Ravensborg

Attorney at Law

[REDACTED]

Pierre, SD 57501

And by first class mail to:

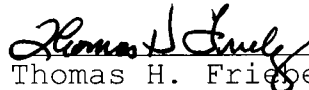
Michael J. Butler

Attorney at Law

[REDACTED]

Rapid City, SD 57701

on 19<sup>th</sup> day of May, 2023.



Thomas H. Frieberg  
Board Counsel

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*Shirley A. Johnson Legal*  
Clerk

#30354

In the Matter of Discipline of  
JASON R. RAVNSBORG,  
as an Attorney at Law

NOTICE OF ATTORNEY  
JASON R. RAVNSBORG'S  
DENIAL OF ALLEGATIONS

Pursuant to SDCL 16-19-7.4, JASON R. RAVNSBORG hereby serves notice of his DENIAL to the Disciplinary Board's Findings of Fact, Conclusions of Law and Recommendation.

Respectfully submitted this 14th day of June, 2023.

/s/ Michael J. Butler

Michael J. Butler  
Butler Law Office  
515 West Landscape Place, Suite 101  
Sioux Falls, SD 57108  
~~605-331-1171~~  
~~mike@butlerlaw.com~~  
Attorney for Jason R. Ravensborg

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of Notice of Attorney Jason R. Ravensborg's Denial of Allegations was filed with this Court and served electronically upon the following:

Thomas H. Frieberg  
Attorney for Disciplinary Board of the State Bar of South Dakota  
~~thfrieberg@statebar.org~~

Dated this this 14th day of June, 2023.

/s/ Michael J. Butler  
Michael J. Butler

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as an Attorney at Law.

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ORDER APPOINTING REFEREE

#30354

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The Disciplinary Board of the State Bar of South Dakota having prepared a report of its findings of fact, conclusions of law and recommendation in the above-entitled action and having filed the report with this Court and served a copy thereof upon respondent Jason R. Ravensborg pursuant to SDCL 16-19-67, and respondent having served and filed a denial, now, pursuant to SDCL 16-19-67(4), it is ORDERED that The Honorable Bradley G. Zell, a retired judge of the State of South Dakota, be and he is hereby appointed as Referee to take and hear testimony and submit findings of fact, conclusions of law and a recommendation in said matter to the Court and serve the same upon respondent's attorney and the Disciplinary Board.

IT IS FURTHER ORDERED that the parties shall have twenty days from date of service of the Referee's report to serve and file objections thereto.

DATED at Pierre, South Dakota this 16th day of June, 2023.

BY THE COURT:

ATTEST:

*[Signature]*  
Clerk of the Supreme Court  
(SEAL)

*[Signature]*  
Steven R. Jensen, Chief Justice

PARTICIPATING: Chief Justice Steven R. Jensen and Justices Janine M. Kern,  
Mark E. Salter, Patricia J. DeVaney and Scott P. Myren.