

NATIONALLY RECOGNIZED LEGAL SOLUTIONS

# SOUTH DAKOTA LEGAL NOTES

MAR/APR 2019



## KEVIN NELSON RECEIVES 2019 SWIER LAW FIRM-SASD LEGISLATIVE LEADERSHIP AWARD

On January 30, 2019, the Swier Law Firm-SASD "Legislative Leadership Award" was presented to Elementary School Principal Kevin Nelson of Beresford.

Principal Nelson, in his many years in leadership with both SDAESP and SASD, has demonstrated his dedication in the political arena both in South Dakota and Washington, DC.

Most notably, what elevates Principal Nelson to the level of this award is something a little more subtle than a

piece of legislation with a name and a number attached. His work in the area of preschool education in our state is immeasurable, but not unnoticed.

The purpose of the Legislative Leadership Award is to recognize a school administrator who has provided exceptional service in governmental advocacy on behalf of the SASD.

"Swier Law Firm is honored to join with the SASD to sponsor the Legislative Leadership Award and to recognize Principal Nelson's achievements,

which have made a lasting impact on public education in South Dakota," said Scott Swier. "Principal Nelson's commitment to educational excellence is a model for all school administrators in South Dakota and his commitment is reflected in his dedication to making a difference in the lives of South Dakota's students."

Go confidently  
in the direction  
of your dreams.  
Live the life you  
have imagined.

*Henry David Thoreau*



### IS IT TIME FOR AN ESTATE PLANNING REVIEW?

Swier Law Firm has developed a short quiz to help you determine the health of your estate plan and if it is time to review your will or trust. Give us a call at **605-275-5669** or email [Sara@SwierLaw.com](mailto:Sara@SwierLaw.com) to request a copy.

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# SWIER LAW FIRM'S KELLEY SCROCCA ATTENDS 53<sup>RD</sup> ANNUAL HECKERLING INSTITUTE ON ESTATE PLANNING

Kelley Scrocca of Swier Law Firm's Estate Planning & Probate Practice Group attended the 53rd Annual Heckerling Institute on Estate Planning held in Orlando, Florida recently.



The Heckerling Institute on Estate Planning is the leading and largest conference for estate planning professionals in the United States and provides unparalleled educational and professional development opportunities for estate planners. The program covers topics of timely interest and practical guidance to plan effectively in the current uncertain and unpredictable legal and economic environment. Leading national estate planning experts explored today's most important tax and nontax planning issues, including the planning implications of recently enacted and anticipated legislation.



HECKERLING INSTITUTE  
ON ESTATE PLANNING



# 5 FIVE IMPORTANT TIPS TO PREPARE FOR FAMILY BUSINESS TRANSITIONS IN SOUTH DAKOTA



**Scott  
Swier**

Most families create their wealth through private business enterprise. However, owners of family businesses are aging. A recent study suggests that approximately 60 percent of all business owners are over age 55 and nearly one-third are over age 65.

## WHAT TO CONSIDER REGARDING BUSINESS TRANSITIONS

Whether you are considering selling the business to a third-party buyer or moving the business to your family's next generation, here are 5 important tips that you should consider well before the eventual business transition.

### 1. PLAN EARLY

A business plan should be put in place at least 3-5 years ahead of any expected transition. A good first step is for everyone to recognize the value of early business transition planning.

### 2. BUILD AN EXPERIENCED TRANSITION TEAM

A good transition plan requires expertise in many different areas. Attorneys, accountants, bankers, financial planners, and insurance advisors can all provide helpful planning expertise. It's important to select a team of professionals who have worked with similar businesses and have experience in transition planning, navigating family dynamics, and understanding the financial and emotional aspects of business transitions.

### 3. DEVELOP A WRITTEN PLAN AND TIMELINE

It is important to make a written plan with clear objectives and a timeline for implementing each stage of the transition. Each objective should include a series of "action steps" that keep the transition moving forward. It is critical that clear criteria be used to evaluate the success of the plan and that the timetables are being followed.

### 4. TRAIN YOUR FAMILY SUCCESSORS AND WORK WITH THEM

You cannot expect your family to take over and operate your business successfully if you don't spend any time training them. Your transition plan will have a better chance of success if you train your family successors for a couple of years before you "hand over the reins."

This is often difficult, but it's definitely time well-spent and will make a big difference for a successful transition.

### 5. LOOK AT YOUR SUCCESSORS REALISTICALLY

You may want your oldest daughter to run the business, but does she have the business skills - or even the interest - to do it? Maybe there's another family member who is more capable. It may even be that there are no family members capable of or interested in continuing the business and that it would be best to sell it. Examine the strengths of all possible successors as objectively as possible and think about what's best for the business.



# 5 QUESTIONS ABOUT **SEALING A CRIMINAL RECORD** IN SOUTH DAKOTA



## **QUESTION #1 WHAT IS A SUSPENDED IMPOSITION OF SENTENCE?**

A suspended imposition of sentence seals your criminal conviction and does not require a judgment of guilt. It may be used in certain cases for both a felony and a misdemeanor crime.

## **QUESTION #2 AM I ELIGIBLE FOR A SUSPENDED IMPOSITION OF SENTENCE?**

Maybe. However, to be eligible, you must have no prior felony conviction.

## **QUESTION #3 IF I RECEIVE A SUSPENDED IMPOSITION OF SENTENCE, IS MY CRIMINAL RECORD SEALED?**

Yes (under most circumstances). Receiving a suspended imposition of sentence seals your record to the public - i.e. employers, insurance companies, federal student aid, etc. However, a suspended imposition of sentence does not hide your record from law enforcement or the courts.

## **QUESTION #4 IF I RECEIVE A SUSPENDED IMPOSITION OF SENTENCE, CAN I STILL BE PLACED ON PROBATION?**

Yes. A court can still place you on probation upon certain terms and conditions.

## **QUESTION #5 AM I AUTOMATICALLY ENTITLED TO RECEIVE A SUSPENDED IMPOSITION OF SENTENCE?**

No. A court has the ultimate discretion to grant or deny a suspended imposition of sentence.



# **HAPPY ST. PATRICK'S DAY** MARCH 17, 2019



March is the month we celebrate all things green: clothing, beer, and bodies of water - er, I mean, St. Patrick's Day. Despite the festivities, did you know that Saint Patrick was not born in Ireland - he was actually kidnapped into slavery and sent to Ireland. He eventually escaped but later went back to Ireland as a Roman Catholic missionary. He is credited with making Catholicism more widespread throughout Ireland and used the three-leaf clover as a symbol of the Trinity. While it is a national holiday, for the most part, we use St. Patrick's Day as another excuse to have fun and spend time with friends today. By the way, while you are out please remember to celebrate and have fun responsibly.

# MARCH MADNESS MUNCHIES



## BAKED BUFFALO CHICKEN DIP

### INGREDIENTS:

- 3 c. diced cooked chicken
- 2-8 oz. packages cream cheese, softened
- 3/4 c. hot pepper sauce
- 1/2 c. shredded Pepper Jack cheese
- 1/2 c. blue cheese dressing
- 1/2 c. crumbled blue cheese
- 1/2 tsp seafood seasoning
- 2 tbsp Pepper Jack cheese
- 2 green onions, chopped

### DIRECTIONS:

1. Preheat oven to 400°F
2. Combine all of the ingredients in a 9" baking dish
3. Sprinkle 2 tbsp Pepper Jack cheese on top
4. Bake until lightly browned, 15 to 20 minutes. Remove from oven and garnish with chopped green onions

*Serve with chips, carrots, celery, or try these delicious and simple homemade avocado chips we found at [delish.com](http://delish.com):*

## HOMEMADE AVOCADO CHIPS

### INGREDIENTS:

- 2 large ripe avocados
- 1-1/2 c grated Parmesan cheese
- 2 tsp lemon juice
- 1 tsp garlic powder
- 1 tsp Italian seasoning
- Kosher Salt
- Fresh ground black pepper

### DIRECTIONS:

1. Preheat oven to 325° and line a baking sheet with parchment paper
2. Mash avocados until smooth. Stir in remaining ingredients. Season with salt and pepper to taste.
3. Drop by heaping teaspoon 3" apart then flatten
4. Bake until crisp and golden, 20-25 minutes.



*Share your favorite recipe and photo with us and if we include the recipe and photo in our newsletter, we will send you some Swier Law Firm swag and a gift card as a thank you.*



**Scott Swier**

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**Brooke Schloss**



**Jake Fischer**



**Mike Henderson**



**Amanda Work**



**Taylor Hayes**



**Kelley Scrocca**



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# MIDWEST HONOR FLIGHT



Swier Law Firm is proud to partner with Midwest Honor Flight to help honor and provide closure to Veterans with an all-expense paid trip to Washington DC.

The Honor Flight program visits those memorials dedicated to honor the service and sacrifices of the Veterans. Midwest Honor Flight was created simply to say, "Thank You". Thank you for your service, your sacrifice, and your willingness to pay the ultimate price so we can continue to enjoy our freedom.

Top priority is given to the senior Veterans - World War II survivors, along with other Veterans who may be terminally ill. The next trip (Mission 4) is scheduled for Tuesday, May 7, 2019. To help with the mission, please go to [Midwesthonorflight.org](http://Midwesthonorflight.org).

**Mark Your Calendars: Culver's Day of Giving: March 19, 2019** (a portion of the profits will go to the Midwest Honor Flight)



Swier Law Firm co-sponsored the Masquerade Ball, "A Night To Remember" with all proceeds going to the Midwest Honor Flight.