



North Dakota Ethics Commission Regular Meeting

Minutes of April 24th, 2026

1201 10th Ave E, West Fargo, ND, 58078, West Fargo Fire Department Training Room A , West Fargo, ND and MS Teams

1. **Call to Order:** The in-person meeting was called to order by Chair Cynthia Lindquist at 9:16 a.m. The following members of the Ethics Commission were also present: Vice Chair Ron Goodman, Commissioners Pamela Sharp, Mark Western, and Jared Huibregtse, as well as Executive Director Rebecca Binstock, General Counsel Logan Carpenter, Operations Administrator Adilene Moos presented on MS Teams.
2. **Agenda Additions:** Commissioner Mark Western requested the following rearrangements of the agenda for discussion: Discussion of Attorney General Letter Opinion 25-L-03 to Item 8; Discussion of Citizens Alliance of North Dakota et al v. Wrigley et al, No. 1:25-cv-256 to Item 9. Executive Director Rebecca Binstock requested to insert an additional agenda item regarding the appointment process to Item 8.
3. **Public Comment Period:** Chair Cynthia Lindquist called for a period of public comments. There was one public comment from Dr. Ellen Chaffee. The commission received pictures for the public participants. Dr. Chaffee commended the commission for their transparency and leadership.
4. **Approval of Meeting Minutes:** The Commission discussed regular meeting minutes from March 27, 2026, and regular meeting minutes from April 1, 2026.

Motion: Commissioner Huibregtse moved to approve the regular meeting minutes from March 27, 2026, and the special meeting minutes from April 1, 2026. The motion was seconded by Vice Chair Goodman. Chair Lindquist called for a voice vote. The motion was approved by a unanimous voice vote.

5. **Operations Report:**
 - a. ED Binstock provided a budget update for March 2026 for the 2025-27 biennium budget. She noted the following totals: current appropriation for the 2025-2027 biennium is \$1,384,716, which includes intern funding from OMB. Expenditures in March were \$45,866, bringing the total for the biennium to \$445,738, leaving a remaining appropriation for the 2025-2027 biennium of \$938,977. ED Binstock projected expenditures through the end of the biennium to be at \$930,582, leaving an estimated ending balance for the biennium on June 30, 2027, at \$8,394. This number will fluctuate.

ED Binstock stated the total for professional fees and services in March was -\$1,317 and the outside counsel budget remained the same as the previous month, \$12,730.

ED Binstock gave further information on the negative amount for the professional fees and services. She explained the negative balance is due to the cost of the law clerk position and ongoing outside counsel costs.

b. Executive Director Rebecca Binstock provided an update to the Commission on filings.

In March 2026, the Commission received the following filings:

- Complaints: 6
- Quasi-Judicial Forms: 0
- Conflict of Interest Forms: 4
- Meeting Notices: 5

The Commission dismissed 4 complaints.

As of March 31, 2026, the Commission had 42 pending complaints.

c. ED Binstock provided an education and outreach update. Cornell Law School: ED Binstock spoke at Cornell Law School on April 13, 2026, about the real-world challenges of designing workable ethics rules, building ethics enforcement capacity, and maintaining public trust. Students asked questions about the challenges the Commission faces, comparisons with federal ethics regulation, and the impacts of local dynamics on Commission work.

Radio Talk Show Appearances: Commissioner Western was on Tyler Axness and Joel Heitkamp's shows this week to promote public participation at the Commission meeting in West Fargo. Commissioner Western will be on Axness's show on Tuesday and Heitkamp's show on Thursday.

Staff will be hosting a webinar on the Complaint Rule Amendments on May 5, 2026, to educate stakeholders about the recent changes to the complaint process. This webinar will qualify as continuing legal education.

d. ED Binstock provided a human resources update. The position will be posted in the coming days. The main priority of the law clerk will be legal research.

ED Binstock provided an update on the summer legal internships and the business communications internship. Two legal interns will be joining the commission in mid-May, as well as a business intern in early May.

ED Binstock explained that at the last meeting she inaccurately stated the Commission intern funding was approved. ED Binstock corrected the inaccuracy, as it was approved for one of the intern positions and the Commission is still waiting for funding approval for the other two positions. OMB is waiting to approve the funding due to an IT issue.

- e. ED Binstock provided an update on the case management system. The Commission is waiting on NDIT to present the Commission with options to consider. NDIT is evaluating 3 paths for this project: (1) Use the \$50,000 to create an RIF (request for information) for private businesses to inform NDIT how they would solve the solution and projected cost; (2) build a skeleton system that would work for now, but could not be scaled and would have to be wholly replaced in the future when more funding is secured; or (3) determine the cost of using ServiceNow + modifications to create a fully functional case management system and then request additional funding from the legislature.
 - f. ED Binstock provided an update on the Commission's website. ED Binstock received an email from NDIT that the deadline for the ADA compliance has been moved back 1 year. The State of North Dakota is currently in the process of bringing all its websites into compliance with Title II of the Americans with Disabilities Act. Websites now need to comply by April 24, 2027. Each agency is responsible for ensuring their website is compliant. The Commission's website is 95% compliant which means that it meets ADA compliance. The issue with the remaining 5% compliance is being worked on.
 - g. ED Binstock provided an update on the public priorities survey analysis: The Commission received over 1000 responses from the public. ED Binstock and OA Moos met with the NDIT to discuss creating a dashboard to analyze the data. The dashboard should be done by mid-May.
6. **Ongoing Business:**
- a. ED Binstock provided an update on the 2027-2029 budget request projections: OA Moos created budget projections for 4 separate FTE positions. The 4 FTES positions discussed were an associate counsel position, an education and outreach administrator, a paralegal, and an administrative assistant. The Commission will continue to review the budget guidelines set forth by Governor Armstrong. ED Binstock went over the recommendations given by Governor Armstrong. The last consideration for The

Commission is to present a contingent budget with a 3% reduction. ED Binstock explained the spreadsheet regarding the salaries of the 4 new positions.

Commissioner Western gave feedback regarding the 4 positions. Vice Chair Goodman also provided feedback regarding the attorney position for the commission.

Commissioner Huibregtse gave feedback about different ethics commissions in the United States. He advocated for more staff. ED Binstock asked questions regarding Commissioner Huibregtse's statements. She explained that currently finding an attorney with no conflict of interest is difficult. She advocated for in-house counsel to offset outside counsel expense.

Chair Lindquist gave her input on the new positions. She stated the Commission's budget is small, although the Commission's operations are increasing. She explained the Commission is always looking at the budget and the Commission will continue to do so.

Motion: Commissioner Huibregtse moved for the Ethics Commission's budget request to include the following options: 1.) A base budget for the "hold even" budget, which would include all the other funds that supplement the Commission's appropriation; 2.) A budget that includes the addition of an attorney; 3.) A base budget cut of 3% and what that would impact; 4.) A budget that includes the Commission's identified needs, which generally includes three additional FTEs and any corresponding increase in budget. The motion was seconded by Commissioner Western. Chair Lindquist called for a roll call vote. The motion was approved by unanimous roll call vote.

The Commission recessed at 10:38am and all Commission members reconvened at 10:54am.

- b.** GC Carpenter gave an overview on the proposed travel disclosure rules: At the March meeting, the Commission requested GC Carpenter restructure the rules to ensure the due process guarantees in the rules were clear. GC Carpenter completed those revisions. Commissioner Western added input regarding one of the revisions of "public official" definition and statement of interest forms. The Commission discussed the broad terminology of "public official." The Commission discussed individuals who serve on boards and commissions from needing to file a travel disclosure form. Commissioner Sharp expressed concern with excluding all boards and commissions. The Commission continued discussions of the drawbacks and benefits.

Motion: Chair Lindquist moved to adopt the travel disclosure rules as amended and published in the North Dakota Administrative rules. The motion was seconded by Commissioner Sharp. Chair Lindquist called for a roll call vote. The motion was approved by a 4-1 roll call vote, with Commissioner Western voting nay.

- c. GC Carpenter gave an explanation on the proposed general administration rules: GC Carpenter recommends changes to the rules, namely removing the section on subpoenas and procedural rules. Commissioner Western discussed the proposed rulemaking.

Motion: Commissioner Western moved to omit 115-01-03. The motion was seconded by Commissioner Sharp. Chair Lindquist called for a roll call vote. The motion was approved by unanimous roll call vote.

Motion: Commissioner Western moved to initiate the formal rulemaking process for the general administration rules, as amended. The motion was seconded by Commissioner Sharp. Commissioner Huibregtse asked if the draft version of section 115-01-02-01 should be modified to clarify the executive director conducts the business of the Commission at the Commission's direction. Discussion followed, with direction to Commission staff to add "as directed by the Commission" to draft section 115-01-02-01(3). Commissioner Western amended the motion to initiate the formal rulemaking process for the general administration rules as discussed. The amended motion was seconded by Commissioner Sharp. Chair Lindquist called for a roll call vote. The motion was approved by unanimous roll call vote.

- d. ED Binstock reviewed with the Commission on the media relations policy.
- e. ED Binstock provided overview on the standard operating procedure for meeting requests. The purpose of the SOP is to promote open dialogue between Commissioners and stakeholders while ensuring Commission communication is consistent with its authority, official actions, and public positions.

The commission recessed at 12:21pm and all the Commission members reconvened at 1:38pm.

- 7. **Advisory Opinion 26-02, 26-03, 26-04, 26-05, and 26-06:** GC Carpenter discussed the advisory opinion process. GC Carpenter then gave an overview of the advisory opinions.

Advisory Opinion 26-02:

This request was received on February 12, 2026 from Jame Todd with Bartlett & West. The request relates to a customer appreciation event the company holds regularly.

Motion: Chair Lindquist moved to approve the draft language and issue advisory opinion 26-02 to the requester and for publication on the Commission's website. The motion was seconded by Vice Chair Goodman. Chair Lindquist called for a roll call vote. The motion was approved by unanimous roll call vote, with Commissioner Huibregtse abstaining. Commissioner Huibregtse previously recused on this advisory opinion due to a potential conflict of interest and did not participate in the discussion or decision on this agenda item.

Advisory Opinion 26-03:

This request was received on February 27, 2026, by the North Dakota Library Association. The request relates to holding an event at the capital during legislative session extension.

Advisory Opinion 26-04:

This request was received on February 26, 2026 from Representative Mike Lefor. After discussions with Chair Lindquist, Commission staff requested clarifying information on the request before assessing whether to issue the opinion. Commission staff has been waiting since March to clarify information. Without clarifying information, the Commission has insufficient information to issue an opinion; thereby, considering this an incomplete request.

Motion: Commissioner Western moved that the Commission consider the request for advisory opinion to be incomplete and take no further action. The motion was seconded by Commissioner Sharp. Chair Lindquist called for a roll call vote. The motion was approved by unanimous roll call vote.

Advisory Opinion 26-05

This request was received on April 7, 2026, by Senator Paul Thomas. The request relates to managing a potential conflict of interest.

Advisory Opinion 26-06

This request was received on April 7, 2026, by Representative Bernie Satrom. The request relates to accepting travel reimbursement expenses for an out-of-state event.

8. **Discussion of Citizens Alliance of North Dakota et al v. Wrigley et al 1:25-cv-256 (D.N.D. 2025):** GC Carpenter provided an update regarding the Citizens Alliance of North Dakota et al v. Wrigley et al. At the time of this meeting the Commission has no update on the decision by the court.

The Commission recessed at 1:53pm and all Commission members reconvened at 2:11pm.

9. **Discussion of Attorney General Letter Opinion 25-L-03:**

Motion: Commissioner Western moved to enter executive session pursuant to N.D.C.C. sections 44-04-19.1 and 44-04-19.2 for the purpose of attorney consultation regarding actions available to the Commission, including litigation, relating to Attorney General Opinion 25-L-03 and on the legal risks, strengths, and weaknesses of proposed actions of the Commission regarding Attorney General Letter Opinion 25-L-03 which, if held in public, would have an adverse fiscal effect on the Commission. The motion was seconded by Commissioner Huibregtse. Chair Lindquist called for a roll call vote. The motion was approved by a unanimous roll call vote.

The Commission entered executive session during the general meeting at 2:15pm to discuss the Attorney General Letter Opinion 25-L-03.

Information regarding the above-mentioned is confidential. The following participants entered the executive session: Chair Lindquist, Vice Chair Goodman, Commissioners Pamela Sharp, Mark Western, and Jared Huibregtse, Executive Director Rebecca Binstock, and General Counsel Logan Carpenter.

Executive Session ended at 2:28 p.m. and all participants returned to the regular meeting.

Motion: Commissioner Western moved to have counsel issue correspondence as discussed in the executive session. The motion was seconded by Commissioner Huibregtse. Chair Lindquist called for a roll call vote. The motion was approved by a unanimous roll call vote.

10. **Discussion of Complaint Nos. 23-013, 23-014, 24-008, 24-013, 24-015, 24-031, 24-032, 24-035, 25-004, 25-021, 25-022, 25-038, 25-039, 25-047, 25-048, 25-049, 25-050, 25-051, 25-052, 25-053, 25-054, 25-055, 25-056, 25-057, 25-060, 25-061, 25-062, 26-012, 26-013, 26-014, 26-015, 26-016 and 26-017:** The Commission entered executive session during the general meeting at 4:10 p.m. to discuss Complaint Nos. 23-013, 23-014, 24-008, 24-013, 24-015,

24-031, 24-032, 24-035, 25-004, 25-021, 25-022, 25-038, 25-039, 25-047, 25-048, 25-049, 25-050, 25-051, 25-052, 25-053, 25-054, 25-055, 25-056, 25-057, 25-060, 25-061, 25-062, 26-012, 26-013, 26-014, 26-015, 26-016 and 26-017.

All Commission members entered executive session during the general meeting at 2:32pm. Information regarding the above-mentioned is confidential. The following participants entered the executive session: Chair Lindquist, Vice Chair Goodman, Commissioners Pamela Sharp, Mark Western, and Jared Huibregtse, Executive Director Rebecca Binstock, General Counsel Logan Carpenter, and Operations Administrator Adilene Moos.

Executive Session ended at 3:57 p.m. and all participants returned to the regular meeting.

During the Executive Session, the Commission discussed Complaint Nos. 23-013, 23-014, 24-008, 24-013, 24-015, 24-031, 24-032, 24-035, 25-004, 25-021, 25-022, 25-038, 25-039, 25-047, 25-048, 25-049, 25-050, 25-051, 25-052, 25-053, 25-054, 25-055, 25-056, 25-057, 25-060, 25-061, 25-062, 26-012, 26-013, 26-014, 26-015, 26-016 and 26-017.

After Executive session, the following motions were made:

Motion: Commissioner Huibregtse moved to close Complaint No. 23-013 as recommended in the preliminary report and recommendation. The motion was seconded by Vice Chair Goodman. Chair Lindquist called for a roll call vote. The motion was approved by a unanimous roll call vote.

Motion: Commissioner Western moved to dismiss Complaint Nos. 26-014 and 26-015 for lack of personal jurisdiction. The motion was seconded by Commissioner Sharp. Chair Lindquist called for a roll call vote. The motion was approved by a unanimous roll call vote.

Motion: Vice Chair Goodman moved to dismiss Complaint No. 26-016 for lack of subject matter jurisdiction. The motion was seconded by Commissioner Huibregtse. Chair Lindquist called for a roll call vote. The motion was approved by a unanimous roll call vote.

11. **Adjourn:** Having no further business, the meeting was adjourned at 4:00 p.m. The next regular meeting is scheduled for May 20, 2026, at 9:00 a.m., in-person in Bismarck and livestreamed with MS Teams.

Approved on 5/20/2026

A handwritten signature in blue ink, appearing to read "RBinstock", written in a cursive style.

Rebecca Binstock, Executive Director, North Dakota Ethics Commission