North Dakota Ethics Commission Special Meeting

Minutes of July 9th, 2026

612 East Boulevard Avenue, 58505, Fort Totten Room, Bismarck, ND and MS Teams

1. **Call to Order:** The in-person meeting was called to order by Chair Pamela Sharp at 9:02 a.m. The following members of the Ethics Commission were also present in person: Commissioners Jared Huibregtse, Kelly Leben, and Lisa Edison-Smith as well as Executive Director Rebecca Binstock, General Counsel Logan Carpenter, Interns Faith Scheuer, Ashley Wohl, and Conner Martin. The following members of the Ethics Commission were present on MS Teams: Commissioner Mark Western.

2. **Opening Welcome from Newly Elected Chair Sharp:** Chair Sharp introduced Commissioner Leben and Commissioner Edison-Smith. She expressed gratitude for former Vice Chair Ron Goodman on his dedication to the Commission. The commissioners, including staff, introduced themselves.

3. **Approval of Meeting Minutes:** The Commission discussed regular and special meeting minutes from May 20, 2026, Regular Meeting, May 28, 2026, Special Meeting, June 10, 2026, Special Meeting, and June 17, 2026, Special Meeting. Commissioner Huibregtse advised the staff to revise the May 20th, 2026, meeting minutes, item 5. He proposed for the phrase "and what the "I" rule is", to be changed to "and what the rule is". The Commission concurred.

    Motion: Commissioner Western moved to approve the regular and special meeting minutes as amended from May 20, 2026, May 28, 2026, June 10, 2026, and June 17, 2026. The motion was seconded by Commissioner Huibregtse. Chair Sharp called for a voice vote. The motion was approved by a unanimous voice vote.

4. **Operations Report:**
    - ED Binstock provided an update on the Commission's education and outreach efforts: ED Binstock thanked the Commission's "communications liaison", Victoria Nicholson, on her ability to step up and help the Commission. She explained the Commission's initiative of writing postcards for the travel webinar this past June for the travel disclosure webinar. On June 16th, the Commission presented a webinar about the newly introduced travel disclosure rules. On June 17th, the Commission presented a separate webinar specifically for filers of the travel disclosure form. This webinar walked filers through the basics of what to include and when to include it. On June 24th, all the materials were included on the Commission's website. ED Binstock and GC Carpenter will be holding office hours for travel disclosure

related questions. ED Binstock concluded by going through the travel disclosure form that can be found on the Commission's website.

Communications Liaison, Victoria Nicholson, emphasized the exceptional attendance and response from the attendees of the webinars.

- ED Binstock gave the Commission an update on human resources: ED Binstock started by giving the Commission a history of its need for more legal help. To address this need, the first idea was to bring in a law clerk. Commission staff posted the position of a law clerk. GC Carpenter, along with Chair Sharp, interviewed three separate candidates for the role. The Commission has not hired a law clerk.

  ED Binstock went on to explain legal interns would be willing the Commission during the school year instead of hiring a law clerk. This decision will save the Commission time and money.

  Motion: Commissioner Huibregtse moved to approve the continuation of the two legal interns through the 2026-2027 school year in lieu of hiring a law clerk. The motion was seconded by Commissioner Western. Chair Sharp called for a voice vote. The motion was approved by a unanimous voice vote.

5. **Ongoing Business:**

   a. ED Binstock discussed the budget request for the 2027-2029 biennium: Over the past several months, Operations Administrator Moos and ED Binstock have been working on a proposed budget for the 2027-2029 biennium, based on the direction from the Commission. ED Binstock has consulted with our OMB Budget Analyst, Stephanie Johnson. The proposed budget is driven also by the Commission's Strategic Plan.

   The Commission's 2025-2027 legislative appropriation is $1,368,016. The 2027-2029 base budget removed the one-time appropriations ($52,384) that were allocated by the legislative assembly for the Commission's 2025-2027 budget and added NDIT adjustments and FTE pool funds to calculate the Commission's 2027-2029 base budget. Therefore, the Commission's base budget for the 2027-2029 biennium is calculated at **$1,322,107.**

   The proposed budget request includes eight (8) decision packages the Commission to present to the Legislative Assembly. These packages are additional requests beyond the Commission's base budget for 2027-2029 budget. The Commission is required to submit a decision package with a 3% reduction of its total 2025-2027 budget.

The decision packages consist of:

(1) Legal (Assistant Legal Counsel) FTE + $264,441

$284,441 in general funds which includes salary costs of $180,180, benefits of $81,356, IT costs of $8,071, office equipment and furniture costs of $3,500 (one-time), office supply costs of $1,000, professional fees of $750, and travel costs of $9,583. If the Commission receives a legal FTE, there will be an offset to professional fees of $20,000 for a total package ask of $264,441.

Commissioner Huibregtse explained the reasoning behind the packages the Commission put together for Commissioner Leben and Commissioner Edison-Smith.

(2) Educational Administrator FTE + $248,552

$248,552 in general funds which includes salary costs of $150,876, benefits of $75,522, IT costs of $8,071, office equipment and furniture costs of $3,500 (one-time), office supply costs of $1,000, and travel costs of $9,583.

ED Binstock recommended changing the name of this position. She also explained that many other ethics commission across the United States has this position on staff.

(3) Increased Office Space Rent Costs + $12,500

The Commission is outgrowing its current office space with the hiring of interns and potential staff. The Commission needs approximately 1,100 sq ft to accommodate staff at a cost of $38,000, an increase of $12,500 from the base budget of $25,530.

***NOTE: This cost may need to be increased to account for renovation costs for any new office space, but this is unlikely because the legislature established a Rent, Moving, and Space Reconfiguration Pool in OMB's budget bill (HB 1015) in 2025 with $5.7 million in the pool. ED Binstock requested verification from OMB on July 2, 2026.*

Commissioner Leben asked a question regarding if the whole office would move. ED Binstock answered by saying that the Commission would need to move the whole, not a portion or only some staff, to a different space.

(4) Commissioner & Temporary Salaries + $117,142

The Commission has identified a total additional requirement of $117,142 with $54,046 in salaries and benefits (FICA) for summer and legislative session interns; $62,034 for commissioner salaries and benefits (FICA) for attendance at COGEL, educational forums, town halls, and legislative meetings; and $1,062 in overtime compensation costs for staff.

(5) Increased Travel Costs + $50,801

The current base budget contains $27,902 in general funds for travel. The Commission has identified a requirement of $78,703 for attendance at meetings, COGEL, educational forums, town halls, and legislative meetings. This is an increase in the base budget of $50,801.

(6) Professional Development + $7,493

The Commission has identified an additional requirement of $7,493 for registration costs for the COGEL annual conference for Commissioners and staff, annual dues to COGEL for the Commission, and access to LinkedIn Learning for staff.

(7) Case Management System + $63,400

NDIT has estimated ongoing costs and additional costs to maintain and build out the case management system to have a public facing portal as $63,400: $37,000 in one-time funding for the additional build and $26,400 in ongoing expenses.

ED Binstock explained these numbers are from NDIT, not her own calculations. These numbers could go down if the Commission decides to seek outside help instead of NDIT.

(8) Independent Audit Cost + $35,000

The Office of the Auditor has recommended the Commission be audited by an independent entity. The cost of an independent audit, as estimated by the Office of the Auditor is $35,000.

TOTAL Additions from decision packages: $799,329

Chair Sharp added information regarding the audit costs. She explained that the state auditor cannot audit the Commission due to a conflict of interest. The conflict of interest is the state auditor is part of the Commission regulated community. The state auditor will assist the Commission in seeking an outside audit. The state auditor has recognized this conflict of interest and is addressing the concern by having an independent audit completed.

Chair Sharp went on to explain that the total additions from decision packages number of $799,329 might change as the validation process is completed.

Additional Decision Package: Contingency 3% Reduction - $39,598

The Governor's Office has asked each agency with a general fund budget of less than $20M submit a contingency 3% reduction of its base budget. 3% reduction of its base budget is equivalent to a reduction of $39,598. The Commission has identified this contingent reduction to be from professional fees of $120,000, reduced to $80,402.

ED Binstock explained that the Commission budget is "one-line" meaning the Commission can move their funds around as the Commission sees fit if the Commission follows legislative intent.

Budget Section – Commerce and Legal Service Division Testimony

On June 24, 2026, during testimony to the interim Budget Section – Commerce and Legal Service Division meeting, the Office of the Attorney General provided testimony related to legal services for the Commission.

The testimony and comments from committee members discussed a possible legislative proposal to bring special assistant attorney general within other offices, including the Ethics Commission, back within the Office of the Attorney General. The Commission's general counsel is a special assistant attorney as the attorney general serves as the Commission's attorney pursuant to N.D.C.C. 54-66-14. Any such proposal would have significant impacts on the Commission's budget and operations.

Chair Sharp explained she opposes the plan and intends to request to comment at the next subdivision meeting to share the Commission's stance.

Motion: Commissioner Western moved to approve the 2027-2029 budget request. The motion was seconded by Commissioner Huibregtse. Chair Sharp called for a roll call vote. The motion was approved by unanimous roll call vote.

b. ED Binstock discussed the Commission's public priorities survey: NDIT has completed the data analysis of the public priorities survey. The link to the survey was originally unavailable to the public. At the May meeting, the Commission discussed making the resulting data available to the public. ED Binstock worked with NDIT to do so, and the survey data went live on the website in early June. A news release sharing the data went out as well. Since the news release, the website has been updated with the methodology for the survey.

ED Binstock emphasized this was a survey to gather public input, not a poll.

Commissioner Western explained the Commission received media attention due to this survey.

c. Chair Sharp promptly explained the commissioner appointment process: Commissioner Leben and Commissioner Edison-Smith have been appointed to the Commissioner.

d. Chair Sharp provided an update on the executive director's salary: At the last meeting, the Commission discussed ED Binstock's salary. The Commission originally approved a 2% legislative salary increase. In actuality, the legislative salary increase is 3%.

Motion: Commissioner Huibregtse moved to approve the additional 1% for Executive Director Binstock's salary increase. The motion was seconded by Commissioner Edison-Smith. Chair Sharp called for a roll call vote. The motion was approved by unanimous roll call vote.

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

Motion: Commissioner Huibregtse 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 Western. Chair Sharp 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 10:10 a.m. 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 Sharp, Commissioners Mark Western, Jared Huibregtse, Kelly Leben, and Lisa-Edison Smith Executive Director Rebecca Binstock, General Counsel Logan Carpenter, Interns Faith Scheuer, Ashley Wohl, and Conner Martin.

Executive Session ended at 10:56 a.m. and all Commission members returned to the regular meeting.

The following motion was made during executive session:

Motion: Commissioner Huibregtse moved to direct Commission staff to act as directed during the executive session. The motion was seconded by Commissioner Western. Chair Sharp called for a roll call vote. The motion was approved by a unanimous roll call vote.

The Commission recessed at 10:59 a.m. and all Commissioner reconvened at 11:21 a.m.

6. **Advisory Opinion 26-05 and 26-06:** GC Carpenter discussed the advisory opinion process. GC Carpenter then gave an overview of the advisory opinion requests.

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. In consultation with Chair Lindquist, Commission staff notified Senator Thomas it would issue an opinion**.**

Senator Thomas requested an opinion related to becoming a member of the Minot State Board of Regents. Commission staff learned that Senator Thomas, before the issuance of the advisory opinion, began serving on the Minot State Board of Regents. Therefore, the question presented to the Commission in the advisory opinion request no longer applies to prospective conduct and instead applies to retroactive conduct.

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. In consultation with Chair Lindquist, Commission staff notified Representative Satrom it would issue an opinion**.**

GC Carpenter began work on the request and expedited it because the event was to occur in June. The 90-day deadline to issue the opinion is not until next week, July 13th. GC Carpenter requested additional information from the event sponsor, and the sponsor was unsure if they had any attendees from ND. The sponsor believed they were "not able to accommodate them because [they] are oversubscribed on the trip." The sponsor was going to clarify if anyone from ND was still going to attend. GC Carpenter reached out again at the beginning of June. The sponsor then clarified "No ND Members are coming."

Because Representative Satrom was unable to attend the event because the sponsor was "oversubscribed on the trip" and the event has since occurred.

> **Motion:** Commissioner Huibregtse moved to withdraw our intent to issue an advisory opinion on requests 26-05 and 26-06. The motion was seconded by Commissioner Western. Chair Sharp called for a roll call vote. The motion was approved by a unanimous roll call vote.

7. **<u>Discussion of Complaint Nos. 23-014, 24-008, 24-013, 24-015, 24-031, 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, 25-068, 25-075, 25-076, 25-077, 25-078, 25-079, 25-080, 25-081, 25-082, 26-001, 26-013, 26-021, 26-022, 26-023, and 26-024:</u>** The Commission entered executive session during the regular meeting to discuss Complaint Nos. 23-014, 24-008, 24-013, 24-015, 24-031, 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, 25-068, 25-075, 25-076, 25-077, 25-078, 25-079, 25-080, 25-081, 25-082, 26-001, 26-013, 26-021, 26-022, 26-023, and 26-024

All Commission members entered executive session during the regular meeting at 11:30 a.m.

Information regarding the above-mentioned is confidential. The following participants entered the executive session: Chair Sharp, Commissioners Mark Western, Jared Huibregtse, Kelly Leben, and Lisa Edison-Smith, Executive Director Rebecca Binstock, General Counsel Logan Carpenter, Interns Faith Scheuer, Ashley Wohl, and Conner Martin.

Executive Session ended at 12:29 p.m. and all participants returned to the regular meeting.

After Executive session, the following motions were made:

<u>Motion:</u> Commissioner Huibregtse moved to summarily dismiss Complaint Nos. 25-004, 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, 25-075, 26-013, and 25-022 due to lack of subject matter jurisdiction. The motion was seconded by Commissioner Leben. Chair Sharp called for a roll call vote. The motion was approved by a unanimous roll call vote.

<u>Motion:</u> Commissioner Leben moved to summarily dismiss Complaint Nos. 25-021 and 25-022 for failing to comply with the Commission's rules and North Dakota Century Code 54-66-01(1). The motion was seconded by Commissioner Huibregtse. Chair Sharp called for a roll call vote. The motion was approved by a unanimous roll call vote.

<u>Motion:</u> Commissioner Western moved to summarily dismiss Complaint Nos. 26-021 and 26-024 for lack of personal jurisdiction. The motion was seconded by

Commissioner Huibregtse. Chair Sharp called for a roll call vote. The motion was approved by a unanimous roll call vote.

Motion: Commissioner Western moved to summarily dismiss Complaint Nos. 25-068 and 26-023 because the allegations made in the complaints are insufficient to identify a violation. The motion was seconded by Commissioner Edison-Smith. Chair Sharp called for a roll call vote. The motion was approved by a unanimous roll call vote.

Chair Sharp explained at the next meeting that Commission staff will bring forward all the complaints that have been filed since the last meeting so the Commission can look at them and dismiss any of them right at the meeting.

8. **Adjourn:** Having no further business, the meeting was adjourned at 12:41 p.m. The next regular meeting is scheduled for July 22ndth, 2026, at 9:00 a.m. The meeting will be held in-person in Bismarck and livestreamed with MS Teams.

Approved on 07/22/2026

Rebecca Binstock, Executive Director, North Dakota Ethics Commission