



## North Dakota Ethics Commission Regular Meeting

Minutes of February 18-19, 2026

612 E Boulevard Ave, Sakakawea Room, Bismarck, ND and MS Teams

1. **Call to Order:** The in-person meeting was called to order by Chair Cynthia Lindquist at 9:06 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, and Operations Administrator Adilene Moos.
2. **Agenda Additions:** Executive Director Binstock requested the following additions to the agenda for discussion: Advisory Opinion 26-02 to item 6; Complaint Nos. 24-017, 24-018, 24-019, 24-022, and 24-023 to item 10. General Counsel Carpenter requested adding additional language to the published notice for executive sessions under items 5(b) and 8.
3. **Approval of Meeting Minutes:** The Commission discussed special meeting minutes from January 22, 2026 and regular meeting minutes from January 28, 2026.

**Motion:** Commissioner Western moved to approve the special meeting minutes from January 22, 2026 and the regular meeting minutes from January 28, 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.

4. **Executive Director's Report:**
  - a. OA Moos provided a budget update for January 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 January were \$64,610, bringing the total for the biennium to \$350,805, leaving a remaining appropriation for the 2025-2027 biennium of \$1,033,911. OA Moos projected expenditures through the end of the biennium to be at \$1,055,573, leaving an estimated ending balance for the biennium on June 30, 2027, at -\$21,662. This number will fluctuate. OA Moos stated the total for professional fees and services in January was -\$25,845 and the outside counsel budget remained the same as the previous month, \$18,190.

ED Binstock gave further information on the negative amount for the professional fees and services. She explained the negative amount is due to the temp attorney salary

line not getting updated. The temp attorney salary is a place holder in the budget and will be updated and will continue to fluctuate until an individual is hired.

ED Binstock noted under the professional fees and services that the projected amount for a temporary attorney has not been updated and will fluctuate until an individual is hired for this position.

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

In January 2026, the Commission received the following filings:

- Complaints: 3
- Quasi-Judicial Forms: 0
- Conflict of Interest Forms: 10
- Meeting Notices: 10

The Commission dismissed 6 complaints.

As of January 31, 2026, the Commission had 39 pending complaint. As of the day of the meeting, 3 complaints are from 2023, 5 are from 2024, 28 are from 2025, and 7 are from 2026.

**c.** ED Binstock provided an education and outreach update. In February 2026, ED Binstock presented at two events, Bismarck Lions and Bismarck-Mandan League of Women Voters, to discuss what has happened with the Commission over the past year. At the Bismarck Lions they had questions specific to local ethics issues.

Cornell Law School reached out and asked ED Binstock to give a lecture in April about how to design workable ethics rules and how to maintain public trust.

The Commission will be hosting a webinar on the Complaint Rule Amendments on April 1, 2026, to educate stakeholders about the recent changes to the complaint process. This webinar will qualify as continuing legal education. New FAQs will go live on the website on April 1, 2026, related to the revised complaint process.

**d.** ED Binstock provided a human resources update. The temporary attorney position has been reimagined due to not having much interest in a part-time position. Staff's idea for this position has transitioned to be a 1-year post-graduate legal research fellowship. It

would be a full-time temporary position similar to a judicial clerkship. The estimated cost for this position would be approximately \$100,000 for the biennium, which is less than the temporary attorney position.

Commissioners discussed and provided positive feedback on this idea. ED Binstock asked to revisit this idea after further discussion in later agenda items.

ED Binstock provided an update on the summer legal internships and the business communications internship. Two summer legal interns will begin in mid-May through mid-August. The job position for the business communications intern was posted on February 11, 2026 and will close on February 25, 2026. OA Moos and ED Binstock will then conduct interviews.

- e. ED Binstock provided an update on the case management system. Since legislative session, ED Binstock has been working and discussing this project with Chief Information Officer, Coery Mock. Further discussions will be had with NDIT about using the ServiceNow platform. Staff will continue to keep the Commission updated on this process.
- f. ED Binstock provided an update on the commission's website. The State of North Dakota is in the process of bringing all its websites into compliance with Title of II of the ADA. Websites need to comply by April 24, 2026. Our website has some flaws and the NDIT patch will fix some of the issues, but not all. OA Moos will meet with NDIT to come up with solutions to fix other issues. This will take a notable portion of both ED Binstock and OA Moos's workload until mid-April to complete this work.

5. **Ongoing Business:**

- a. ED Binstock provided a brief summary of past events. A meeting request from Chair Lindquist to meet with Attorney General Wrigley was refused until the Commission responds to two letters from the Attorney General's Office. At the Commission's December meeting, the Commission directed Chair Lindquist to draft a letter in response. This letter was sent on February 17, 2026 to Attorney General Wrigley with all commissioners copied. Chair Lindquist reiterated the desire of still wanting to meet to find common ground and establishing professional expectations.

The Commission recessed at 9:58 a.m. and all Commission members reconvened at 10:17 a.m.

b. This item will be discussed further on the agenda.

6. **Advisory Opinion 26-01 and 26-02:** ED Binstock discussed the advisory opinion process and the policy. ED Binstock then gave an overview of the advisory opinions.

Advisory Opinion 26-01:

This request was received on February 10, 2026 from Bob Minard at SAP and relates to travel by state public officials to an out-of-state conference.

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. Commissioner Huibregtse stated that he has a conflict of interest with Advisory Opinion 26-02 due to being a current employee of Bartlett & West, therefore he will recuse himself from this matter.

7. **Review and Adoption of Policies & Procedures:**

- a. After discussion at both the December and January meetings, GC Carpenter drafted a policy to facilitate an orderly public comment period. ED Binstock reviewed the fillable form for requests to comment at meetings; this will be available on the Commission's website after finalization. GC Carpenter reviewed the draft policy and noted changes. The Commission discussed and recommended moving the public comment period to the beginning of the agenda. The public comment period will be moved to item 3 on the agenda.

**Motion:** Commissioner Western moved to revise Public Comment Opportunity Policy and adopt the revised policy. The motion was seconded by Commissioner Huibregtse. Chair Lindquist called for a roll call vote. The motion was approved by unanimous roll call vote.

- b. ED Binstock discussed the Infant-At-Work policy. The policy would allow team members to bring infants, younger than six months, to work after approval. The Commission discussed the policy.

**Motion:** Commissioner Sharp moved to adopt the Infant-At-Work policy. 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.

9. **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. A reply brief in support of the motion to dismiss was filed on February 12, 2026, in consultation with outside counsel. The Commission now waits for the court to issue an order denying or granting the motion.
10. **Discussion of Complaint Nos. 23-014, 24-017, 24-018, 24-019, 24-021, 24-022, 24-023, 24-032, 24-035, 26-002, 26-003, 26-004, 26-005, 26-006, and 26-007**: The Commission entered executive session during the general meeting at 10:54 a.m. to discuss Complaint Nos. 23-014, 24-017, 24-018, 24-019, 24-021, 24-022, 24-023, 24-032, 24-035, 25-076, 25-077, 25-078, 25-079, 25-080, 25-081, 25-082, 26-001, 26-002, 26-003, 26-004, 26-005, 26-006, and 26-007. Information regarding the content and parties to a complaint to the Ethics Commission 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 12:14 p.m. and all participants returned to the regular meeting.

During the Executive Session, the Commission discussed Complaint Nos. 23-014, 24-017, 24-018, 24-019, 24-021, 24-022, 24-023, 24-032, 24-035, 25-076, 25-077, 25-078, 25-079, 25-080, 25-081, 25-082, 26-001, 26-002, 26-003, 26-004, 26-005, 26-006, and 26-007.

After Executive session, the following motion was made:

**Motion**: Vice Chair Goodman moved to direct ED Binstock to summarily dismiss Complaint Nos. 26-002, 26-003, 26-004, 26-005, 26-006, and 26-007 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 unanimous roll call vote.

5. **b. Proposed Travel Disclosure Rules**: GC Carpenter discussed a concern that was communicated earlier in the morning first with Commissioner Sharp and then with GC Carpenter about the language on the agenda for executive session. GC Carpenter disagreed with the concern, but with the concern in mind, the agenda was updated with additional language.

**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 attorney consultation in anticipation of reasonably predictable civil litigation or adversarial administrative proceedings relating to the Proposed Travel Disclosure Rules and on the legal risks, strengths, and weaknesses of proposed actions of the Commission regarding the Proposed Travel Disclosure Rules, which, if held in public, could have an adverse fiscal effect on the entity. The motion was seconded by Commissioner Huibregtse.

GC Carpenter gave background information on the proposed travel disclosure rules. A memorandum from GC Carpenter was distributed to the commissioners on February 13, 2026 regarding penalties and commission rules. The memo was also provided to the Attorney General's Office in accordance with GC Carpenter's SAAG agreement. The memo lays out the legal support for adding penalties to Commission rules. The purpose of entering executive session is for the Commission to consult with GC Carpenter on proposed options regarding taking action with the legal background from the memo in mind. Chair Lindquist called for a voice vote. The motion was approved by a unanimous voice vote.

The Commission entered executive session during the general meeting at 12:21 p.m. Information regarding the previously discussed content 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 1:10 p.m. and all participants returned to the regular meeting.

During the Executive Session, the Commission had attorney consultation of reasonably predictable civil litigation or adversarial administrative proceedings relating to the Proposed Travel Disclosure Rules and on the legal risks, strengths, and weaknesses of proposed actions of the Commission regarding the Proposed Travel Disclosure Rules.

After Executive session, the following motion was made:

**Motion:** Commissioner Western directed GC Carpenter to revise the proposed travel disclosure rules, identified as attachment 7, to reframe the section entitled "penalty" to instead be entitled "sanction" with specific references in subsection 4 to parallel the language in North Dakota Rules of Civil Procedure 11(c)(4), which explains the

nature of a sanction and the purpose of a sanction consistent with the constitutional authority delegated to us by Article 14 of the North Dakota Constitution.

GC Carpenter stated that in the next revision of the proposed travel disclosure rules it will clarify that the Commission does not want confidential travel details to be disclosed. The motion was seconded by Commissioner Huibregtse. Chair Lindquist called for a voice vote. The motion was approved by a unanimous voice vote.

The Commission recessed at 1:10 p.m. and all Commission members reconvened at 1:58 p.m.

10. **Discussion of Complaint Nos. 25-076, 25-077, 25-078, 25-079, 25-080, 25-081, 25-082, and 26-001:** The Commission entered executive session during the general meeting at 2:00 p.m. to discuss Complaint Nos. 25-076, 25-077, 25-078, 25-079, 25-080, 25-081, 25-082, and 26-001. Information regarding the content and parties to a complaint to the Ethics Commission is confidential. The following participants entered the executive session: Chair Lindquist, Commissioners Pamela Sharp, Mark Western, and Jared Huibregtse, Executive Director Rebecca Binstock, Operations Administrator Adilene Moos, and Attorney Leslie Bakken Oliver.

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

During the Executive Session, the Commission discussed Complaint Nos. 25-076, 25-077, 25-078, 25-079, 25-080, 25-081, 25-082, and 26-001.

8. **Discussion of Attorney General Letter Opinion 25-L-03:** The Commission entered executive session during the general meeting at 2:35 p.m.

**Motion:** Commissioner Western Motion 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 entity. The motion was seconded by Commissioner Huibregtse. Chair Lindquist called for a voice vote. The motion was approved by a unanimous voice vote.

Information regarding the above-mentioned is confidential. The following participants entered the executive session: Chair Lindquist, 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 4:10 p.m. and all participants returned to the regular meeting.

During the Executive Session, the Commission had 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 entity.

11. **Adjourn:** Having no further business, the meeting was adjourned for the day at 4:13 p.m. The Commission will reconvene the following day, February 19, 2026 at 9:00 a.m. in person in the Sakakawea Room and livestreamed with MS Teams.

### **Day 2: February 19, 2026 Regular Meeting**

12. **Call to Order: Call to Order:** The meeting was called to order by Chair Cynthia Lindquist at 9:07 a.m. The following members of the Ethics Commission were also present: Vice Chair Ron Goodman, Commissioners Pamela Sharp, and Mark Western, as well as Executive Director Rebecca Binstock, General Counsel Logan Carpenter, and Operations Administrator Adilene Moos. Commissioner Jared Huibregtse joined at approximately 9:20 a.m.
13. **Agenda Additions:** Chair Lindquist requested discussion on the GA Group letter and discussion on changes to the March, April, and May meeting dates.
14. **Public Priorities Survey & Additional Response:** ED Binstock reviewed the public priorities survey. As of the morning of February 19, 2026, over 1,000 submissions were received. ED Binstock reviewed some of the raw data of the survey during the meeting. Specifically reviewing some of the questions that were asked in the survey and some comments the public provided. The excel spreadsheet of the raw data will be independently analyzed to provide guidance to the Commission.

A letter from the GA Group was submitted in response to the public priorities survey. This letter will be part of the independent analysis.

The Commission discussed the public priorities survey and the logistics of completing the independent analysis.

15. **2026 Strategic Planning Session:** ED Binstock discussed the background and history of the Ethics Commission to help set up the 2026 Strategic Planning Session. The Commission discussed the 2026 Strategic Planning, specifically funding and staffing, goal to get public trust, goal to get all citizens and government to agree and understand the commission's authority, defining terms and definitions, and the Ethics Commission's mission and vision statement. The Commission discussed the mission statement of the Ethics Commission and updated the mission statement. The Commission will consider the updated mission statement and revisit finalizing it later. The Commission further discussed creating a vision statement.

The Commission recessed at 10:30 a.m. and all Commission members reconvened at 10:45 a.m.

ED Binstock reviewed the 2024 Strategy Planning. The Commission discussed creating comprehensive ethics rules and identifying areas of concern. The Commission brainstormed the idea of having Commissioners interacting with the public during "town halls" around the state.

The Commission recessed at 11:43 a.m. and all Commission members, except for Vice Chair Goodman, reconvened at 12:39 p.m.

The Commission further discussed scheduling/budget for traveling to engage with the public in town halls and reviewed the topics that have been covered during the 2026 Strategic Planning Session.

ED Binstock reviewed the timeline for the upcoming legislative session. The Commission discussed the need for more staff and additional working space. Commissioner Huibregtse is working on a compilation of staffing and budget information that he will be sharing at next month's regular meeting.

The Commission recessed at 1:21 p.m. and all Commission members, except for Vice Chair Goodman, reconvened at 1:30 p.m.

4. **d. Human Resources Update:** The topic of the temporary attorney position being transitioned to a 1-year post-graduate legal research fellowship from the February 18, 2026 meeting was revisited for further discussion. The Commission discussed the title for the position and agreed changing the title from “fellowship” to “clerkship”.

**Motion:** Commissioner Huibregtse moved to authorize ED Binstock to develop a job description, solicit applications, and hire a post-graduate legal research fellow, starting August 1, 2026 through July 31, 2027. The motion was seconded by Commissioner Western. Chair Lindquist called for a voice vote. The motion was approved by a unanimous voice vote.

16. **Further Business:** The Commission discussed rescheduling the regular meeting dates in March and April due to scheduling conflicts. The following are the new dates for the regular meetings:

- March 27, 2026;
- April 24, 2026.

17. **Adjourned:** Having no further business, the meeting was adjourned at 1:48 p.m. The next regular meeting is scheduled for March 27, 2026, at 9:00 a.m., livestreamed with MS Teams.

Approved on 3/27/2026



Rebecca Binstock, Executive Director, North Dakota Ethics Commission