



North Dakota Ethics Commission Regular Meeting

Minutes of July 22nd, 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 9:03 a.m. The following members of the Ethics Commission were also present in person: Commissioners Jared Huibregtse and Kelly Leben, as well as Executive Director Rebecca Binstock, General Counsel Logan Carpenter, Interns Faith Scheuer and Conner Martin. The following members of the Ethics Commission were present on MS Teams: Commissioners Mark Western and Lisa Edison-Smith.
2. **Agenda Additions:** Chair Sharp explained Item A., "Budget Update for May & June" under the "Operations Report" section, will not be discussed at this meeting. The Commission will wait until Operations Administrator Adilene Moos gets back from her leave. There have not been any major changes to the Commission's budget.
3. **Public Comment Period:** The Commission did not receive any requests to comment at the meeting.
4. **Approval of Meeting Minutes:** The Commission discussed the special meeting minutes from July 9th, 2026.

Motion: Commissioner Western moved to approve the special meeting minutes as presented from July 9th, 2026. The motion was seconded by Commissioner Edison-Smith. Chair Sharp called for a voice vote. The motion was approved by a unanimous voice vote.

5. **Election of Vice Chair:** Chair Sharp explained the Commission has gone without a vice chair for the past two meetings following Ron Goodman's departure.

Motion: Commissioner Western moved to elect Commissioner Jared Huibregtse as Vice Chair of the North Dakota Ethics Commission. The motion was seconded by Commissioner Leben. Chair Sharp called for a voice vote. The motion was approved by a unanimous voice vote. Commissioner Huibregtse abstained.

6. **Operations Report:**

- a. ED Binstock provided a report for the Commission's filing and case management for May and June: She explained the Commission has received a total of 38 complaints for 2026 with 16 of them pending. The Commission closed 22 of the complaints filed in 2026. Chair Sharp asked the Commission staff to change the way that the complaints are presented. Staff made the change to present all complaints that the Commission received since the last meeting. The Commission has received 14 complaints since the last meeting.

Commissioner Huibregtse asked a question regarding whether the total number of complaints for the year included the complaints that the Commission received since the last meeting. ED Binstock clarified the total number of complaints for the year did include the complaints received since the last meeting.

ED Binstock explained that staff wish to get the data for the complaints filed on the website. Commissioner Leben agreed this data should be on the website for transparency purposes. The remainder of the Commission concurred.

- b. ED Binstock gave an update on communication, education, and outreach efforts: Commissioner Leben talked about his radio appearance. Commissioner Leben appeared on Dakota Mornings with Michael Bell on July 16, 2025. He explained the show was fair and it was a great opportunity to get the word out on the Commission. Chair Sharp was supposed to be on Dakota Mornings on July 23, 2026, but they had to reschedule to an undetermined date.

ED Binstock explained that staff, along with Chair Sharp, are going to work on a communications strategy for the upcoming legislative session with OMB.

Commission staff held office hours for filers of travel disclosure rules on July 15, 2026. Three individuals had questions on filing the form. All questions focus on voluntary compliance with the rule and wanting to ensure the filers were following the rule.

The questions presented at the office hour were related to the definition of "public official" as used in the rule, whether a staff member for a public official can fill out the form, and how to address travel that is partially reported in PeopleSoft and partially is third-party funded travel.

ED Binstock explained that the Council on Governmental Ethics Laws (COGEL) conference is approaching. The Commission will start to make accommodation for all members of the Commission who intend to attend the conference.

Last, Chair Sharp and Vice Chair Huibregste met with Governor Armstrong and his legal counsel on July 15, 2026. Vice Chair Huibregste explained at the meeting they discussed recently effective travel rules and the Commission's need for more staff. Governor Armstrong expressed his willingness to communicate with the commission and his willingness to do that in a format open to the public.

- c. ED Binstock provided an update on the case management system: She went through the scope of work NDIT provided for the case management system. The system could be built through the ServiceNow platform.

During the 2025 legislative session, the Commission received \$50,000 in funding to create a case management system. Both the conference committee for SB 2004 and the Ethics Commission acknowledged at that time those funds would likely only cover the start-up of the system.

NDIT has provided one of two proposals to the Commission. This proposal is for NDIT to internally develop a case management system for the Commission. The proposal contemplates two phases of development: (1) create a skeleton structure for the case management system focusing on internal processes, and (2) creating a public and outward facing portal for respondents, complainants, and the public (to a limited extent) to see where a complaint is in the process.

ED Binstock emphasized that this system will not be used for investigative purposes.

The Commission will maintain confidentiality of complaints with this new system. The public will be able to access the number associated with a complaint, how long a complaint is pending, dates, and actions that may have been taken.

The cost on the first scope of work provided by NDIT is between \$42,000-\$50,000. Phase two is between \$32,000-\$37,000. ED Binstock noted that there are ongoing costs with phase one, including \$1,100 for our license and access to ServiceNow.

Vice Chair Huibregtse asked a question regarding whether costs of the system will be a part of our one-time legislative appropriation. ED Binstock answered by saying the Commission already has the funds worked into the budget.

Vice Chair Huibregtse added that he is interested in the Commission to seek a third party to complete the system. Chair Sharp concurred.

The Commission is waiting on a proposal from NDIT for a request for information and request for proposal. ED Binstock will continue following up with NDIT to receive that information prior to the Commission voting on which option to pursue.

7. **Ongoing Business:**

- a. ED Binstock discussed the new travel disclosure rules: The travel disclosure rules have been in effect since July 1, 2026. Numerous travel disclosure forms have been filed with the Commission to date. ED Binstock explained filers have had questions on the travel form that staff are working on answering and clarifying.

ED Binstock talked about the definition of the term “public official”. The travel disclosure rules’ definition of public official is from article 14 of the Constitution. Staff has received numerous questions on what “appointed official” means in the definition of “public official” in article 14. The Commission has translated the phrase to mean an individual appointed to their position based on either constitutional, statutory, or rule-based authority. Staff have created an FAQ to describe the definition.

GC Carpenter stated the North Dakota Century Code uses language that is not clear. Staff need to do continued research on the definition.

The Commission discussed the next step to take to define the term “appointed official”. The Commission is in favor of a research project to be done. ED Binstock added the project will be time-consuming, but it will be helpful to the Commission for years to come.

ED Binstock also explained to the Commission that many boards and commissions do not have access to Peoplesoft for accounting purposes. Therefore, their spending is not tracked in the state’s checkbook. Chair Sharp explained that when Peoplesoft was first implemented, it was only for state agencies and the university system. ED Binstock asked the Commission whether the type of travel done by boards and commission should be reported or should the Commission amend the rule to include a reporting exception for such travel.

Vice Chair Huibregtse believes reporting this type of travel was a technical oversight, and he is in favor of allowing the exception. The Commission directed counsel to draft a proposed amendment to the travel rules to exclude travel paid by a board or commission from reporting for the Commissioner's discussion.

- b. Chair Sharp discussed *Citizens Alliance of North Dakota et al v. Wrigley et al*, 1:25-cv-256 (D.N.D. 2025): She explained there is no new information regarding the case. The Commission has been dismissed but the case is still ongoing.

- 8. **Advisory Opinion 26-07 and 26-09:** GC Carpenter discussed the advisory opinion process. GC Carpenter then gave an overview of the advisory opinion requests.

Advisory Opinion 26-07:

This request was received on April 30, 2026, from Representative Kathy Frelich. The request relates to accepting travel reimbursement expenses for an out-of-state event. In consultation with former Chair Cynthia Lindquist, Commission staff notified Representative Frelich it would issue an opinion.

The trip in part is sponsored by the Council of State Governments. The main sponsor is CAPE Youth. CAPE Youth is funded by the federal government.

GC Carpenter explained this event is a learning event and is not considered lobbying. The analysis concluded Representative Frelich is permitted to attend the trip and file a travel disclosure form.

Motion: Commissioner Western moved to approve the draft of Advisory Opinion 26-07, and that the advisory opinion be made public as drafted. The motion was seconded by Vice Chair Huibregtse. Chair Sharp called for a roll call vote. The motion was approved by a unanimous roll call vote.

Advisory Opinion 26-09:

This request was received on July 7, 2026, from the North Dakota Hospital Association. The request relates to providing an award for legislators who are unable to accept the award during an educational event. In consultation with Chair Sharp, Commission staff notified the Association it would issue an opinion.

- 9. **Legal Discussion on Receipt of Information Containing Evidence of Ethics Violation:**

Motion: Vice Chair 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, relating to receipt of information containing evidence of ethics violations and on the legal risks, strengths, and weaknesses of proposed actions of the Commission regarding the information which, if held in public, would have an adverse fiscal effect on the Commission. 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.

All Commission members entered executive session during the regular meeting at 10:50 a.m.

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

Executive Session ended at 11:14 a.m. and all participants returned to the regular meeting.

There were no motion made during the executive session.

10. **Discussion of Complaint Nos. 23-014, 24-008, 24-013, 24-015, 24-031, 24-035, 26-025, 26-026, 26-027, 26-028, 26-029, 26-030, 26-031, 26-032, 26-033, 26-034, 26-035, 26-036, 26-037, and 26-038.** 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, 26-025, 26-026, 26-027, 26-028, 26-029, 26-030, 26-031, 26-032, 26-033, 26-034, 26-035, 26-036, 26-037, and 26-038.

All Commission members entered executive session during the regular meeting at 11:17 a.m.

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

Executive Session ended at 11:59 p.m. and all participants returned to the regular meeting.

After Executive session, the following motions were made:

Motion: Commissioner Western moved to summarily dismiss Complaint Nos. 26-025, 26-026, 26-027, 26-028, 26-029, 26-030, 26-031, 26-032, 26-033, 26-034 due to lack of subject matter jurisdiction and being insufficient to identify a possible violation. The motion was seconded by Vice Chair Huibregtse. Chair Sharp called for a roll call vote. The motion was approved by a unanimous roll call vote.

Motion: Vice Chair Huibregtse moved to summarily dismiss Complaint Nos. 26-035 and 26-036 for lack of personal jurisdiction. 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. Commissioner Leben abstained due to a potential conflict of interest.

Motion: Commissioner Leben moved to summarily dismiss Complaint No. 26-037 for failing to comply with the Commission's complaint rules. 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. Commissioner Western abstained due to a potential conflict of interest.

Motion: Vice Chair Huibregtse moved to summarily dismiss Complaint No. 26-038 for failing to identify a possible violation and failing to comply with NDCC 54-66-05(1). 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.

11. **Adjourn:** Having no further business, the meeting was adjourned at 12:03 p.m. The next regular meeting is scheduled for August 26th, 2026, at 9:00 a.m. The meeting will be held in-person in Bismarck and livestreamed with MS Teams.

Approved on 8/26/2026



Rebecca Binstock, Executive Director, North Dakota Ethics Commission