



North Dakota Ethics Commission Regular Meeting

Minutes of August 26, 2026

600 E Boulevard Ave, 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 9:04 a.m. The following members of the Ethics Commission were also present in person: Vice Chair Jared Huibregtse, Commissioners Lisa Edison-Smith and Kelly Leben, as well as Executive Director Rebecca Binstock, General Counsel Logan Carpenter, and Operations Administrator Adilene Moos. The following members of the Ethics Commission were present on MS Teams: Commissioner Mark Western and Legal Intern Ashley Wohl.
2. **Agenda Additions:** There were no agenda additions.
3. **Public Comment Period:** The Commission did not receive any requests to comment at the meeting.
4. **Approval of Meeting Minutes:** The Commission discussed regular meeting minutes from July 22, 2026, and special meeting minutes from August 12, 2026. Vice Chair Huibregtse requested edits be made to the July 22, 2026 minutes under item 6 and item 7.

Motion: Commissioner Western moved to approve regular meeting minutes from July 22, 2026, as amended, and special meeting minutes from August 12, 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. **Human Resources Discussion:** Jill Mugaas, HR Business Partner, introduced herself and explained her role in how she assists the Ethics Commission. She also explained the OMB internship funding program.

Vice Chair Huibregtse provided an overview of his report on other ethics commission personnel structures and budgets. Vice Chair Huibregtse suggested staff review their job descriptions to make sure they accurately reflect duties. Chair Sharp then discussed comparing salaries of staff with salaries for comparable positions to evaluate staff compensation. Chair Sharp and Vice Chair Huibregtse will be working on this review and will provide recommendations based on the review of information at a future meeting.

6. **Operations Report:**

- a. A budget update was not available at the time of the meeting. A budget update will be provided at the next Commission regular meeting.
- b. Executive Director Rebecca Binstock provided an update to the Commission on Complaint Resolutions. As of August 24, 2026, the Commission received 50 complaints in 2026, 16 of which are pending. 12 of these pending complaints have been received since the last commission meeting in July. The total pending complaints is 29.

ED Binstock presented the complaint resolution report that will be available on the Commission's website. Commissioners provided positive feedback and were agreeable to the addition of including this report on the website.

- c. On the topic of communication, education, and outreach, Chair Sharp discussed appearing on Dakota Mornings with Michael Bell on July 29, 2026.

ED Binstock provided a brief update on the travel disclosure rules rollout. Since the rollout of the rules and the last Commission meeting, staff held 2 additional office hours for filers who may have questions. Only one person attended and this person was interested in others' questions rather than having questions of their own. Office hours for travel disclosure form questions are concluded, but staff will answer any questions they may receive.

ED Binstock discussed the most recent "bot" attack on the Commission's website that specifically targeted the online forms. During the week of August 17, 2026, over 23,000 "bot" submissions were received. This impacted the website's speed with some filers struggling to submit forms. NDIT was immediately contacted and NDIT enacted the use of "Cloudflare WAF" - web application firewall. Currently, this program is free to the Ethics Commission since it is funded by NDIT's budget through the end of the biennium. Staff has been working through thousands of submissions, but this will take time.

On August 31, 2026, Chair Sharp, Vice Chair Huibregtse, and ED Binstock will be meeting with the Director of OMB, Joe Morissette, to discuss and review the Commission's 2027-2029 budget request.

ED Binstock discussed the potential of hiring a part-time intern during the school year to assist with administrative and miscellaneous tasks to alleviate some workload

constraints of staff. ED Binstock plans to apply for additional intern funding from OMB for this position to cover some of the cost. Commissioners expressed support for this idea. A formal budget presentation for funding this position will be given during the Commission's next special meeting.

- d. ED Binstock provided an update on the case management system. OMB will be reviewing NDIT's proposal. After this review, the RFI (request for information) and RFP (request for proposal) will be put together.
- e. General Counsel Carpenter discussed and presented the interactive flowchart for the complaint process that was drafted through a platform called Genially. GC Carpenter demonstrated how it would be embedded onto the Commission's website. Commissioners provided feedback on the flowchart and asked for more information to be provided on the Genially subscription.
- f. Chair Sharp discussed the upcoming COGEL 2026 Conference and invited all Commissioners to participate. This year, the COGEL conference will be held in Denver from December 6-9, 2026. ED Binstock discussed potential dates for travel. Commissioners should let staff know if they would like to attend.

7. **Ongoing Business:**

- a. GC Carpenter reviewed the amendments made to the travel disclosure rules. The substantive amendment made in the travel disclosure rules is under 4c, which now states "paid for by the public official's agency, board, or commission and subject to reporting under a written policy of the public official's agency, board, or commission." GC Carpenter recommended a motion to be made if the Commission is ready to move forward to notice for rulemaking. The travel disclosure rules will be reviewed several times before the new change is implemented.

Motion: Commissioner Leben moved to proceed with the notice for rulemaking process. The motion was seconded by Vice Chair Huibregtse. Chair Sharp called for a roll call vote. The motion was approved by unanimous roll call vote.

- b. GC Carpenter discussed the settlement guidelines and asked the Commission to give direction on settlement guidelines for violations of travel disclosure rules. Commissioners provided direction. GC Carpenter will provide a draft of the additional settlement guidelines at the next regular meeting based on the direction provided by the Commission.

- c. Chair Sharp notified the Commission there has been no change to the Citizens Alliance of North Dakota et al v. Wrigley et al, No. 1:25-cv-256 (D.N.D. 2025) case. Commission staff will continue to track the outcome of the litigation, and it will continue to be added to the agenda until it has been concluded. GC Carpenter noted the case has been reassigned to Chief Judge Welte.
8. **Commissioner Expectations for Legislative Session:** Chair Sharp opened the discussion of expectations of Commissioners during the upcoming legislative session. Chair Sharp highlighted the importance for Commissioners to start having conversations with legislators to garner support for the Ethics Commission and attend legislative hearings. Commissioners discussed and agreed to have a brainstorming session during the September regular meeting on any potential policy issues and designating Commissioners to certain issues.

The Commission recessed at 11:00 a.m. and all Commission members reconvened at 11:30 a.m.
9. **Legal Research Project(s) for Interns:** ED Binstock gave an overview of the legal interns' role and projects they have completed thus far. ED Binstock noted the legal interns can begin conducting legal research on Commission policy initiatives and ethics rules. She then requested direction from Commissioners as to what ethics concerns the interns should focus on. Commissioners discussed future projects for the legal interns. The Commission directed staff to have legal interns identify areas of the Century Code that fall within transparency, corruption, elections, or lobbying, conduct an overview of ethics rules adopted by other ethics commissions, and locate deficiency in North Dakota law to form a basis for ethics rules to be adopted by the Commission for North Dakota
10. **Review Draft of Annual Report:** ED Binstock reviewed the draft of the 2026 Annual Report and the layout of the report. OMB Communication Specialist, Victoria Nicholson, reviewed charts and graphs she created for the report. Commissioners provided feedback. Staff will continue to work on the report and have an updated draft ready for Commissioners to review during a special meeting scheduled for August 31, 2026.

11. Advisory Opinion 26-03, 26-09 and 26-10:

Advisory Opinion 26-09:

This request was received on July 7, 2026, from the North Dakota Hospital Association and relates to providing an award to legislators. After consultation with the Chair, Commission staff notified the Association that it will be issuing an advisory opinion.

Advisory Opinion 26-10:

This request was received on July 23, 2026, from Auditor Josh Gallion and relates to attending a conference. After consultation with the Chair, Commission staff notified the Auditor Gallion that it will be issuing an advisory opinion.

Advisory Opinion 26-03:

This request was received on February 27, 2026, from the North Dakota Library Association. The request relates to holding an event at the Capitol during Legislative Session. After consultation with former Chair Lindquist, Commission staff notified the ND Library Association that it would issue an advisory opinion.

Legal Intern Ashley Wohl reviewed the draft Advisory Opinion. Commissioner Western and Commissioner Edison-Smith provided feedback and suggested the following changes to section III, subsection B: In coming to this conclusion, the Commission notes and specifically finds that the “prizes” are not being given or provided by representatives of the NDLA, but rather individual local libraries. Accordingly, a librarian representing a local library is not considered a lobbyist within the applicable definition.

Motion: Vice Chair Huibregtse moved to approve the draft advisory opinion to include the edits discussed and issue advisory opinion 26-03 to the requester and for publication on the Commission’s website. 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.

The Commission recessed at 1:04 p.m. and all Commission members reconvened at 1:13 p.m.

12. Legal Discussion on Receipt of Information Containing Evidence of Ethics Violations:

Commission entered executive session during the general meeting at 1:16 p.m. to discuss the receipt of information containing evidence of ethics violations.

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

Information regarding the above-mentioned is confidential. The following participants entered the executive session: Chair Sharp, Vice Chair Huibregtse, Commissioners Lisa Edison-Smith, Kelly Leben, and Mark Western, Executive Director Rebecca Binstock, General Counsel Logan Carpenter, Operations Administrator Adilene Moos, and Legal Intern Ashley Wohl.

Executive Session ended at 1:50 p.m. and all participants returned to the regular meeting.

13. Discussion of Complaint Nos. 23-014, 24-008, 24-013, 24-015, 24-031, 24-035, 26-012, 26-017, 26-025, 26-026, 26-027, 26-028, 26-029, 26-030, 26-031, 26-032, 26-033, 26-034, 26-037, 26-039, 26-040, 26-041, 26-042, 26-043, 26-044, 26-045, and 26-046: The Commission entered executive session during the general meeting at 1:53 p.m. to discuss Complaint Nos. 23-014, 24-008, 24-013, 24-015, 24-031, 24-035, 26-012, 26-017, 26-025, 26-026, 26-027, 26-028, 26-029, 26-030, 26-031, 26-032, 26-033, 26-034, 26-037, 26-039, 26-040, 26-041, 26-042, 26-043, 26-044, 26-045, and 26-046. Information regarding the content and parties to a complaint to the Ethics Commission is confidential. The following participants entered the executive session: Chair Sharp, Vice Chair Huibregtse, Commissioners Lisa Edison-Smith, Kelly Leben, and Mark Western, Executive Director Rebecca Binstock, General Counsel Logan Carpenter, Operations Administrator Adilene Moos, and Legal Intern Ashley Wohl.

Executive Session ended at 2:50 p.m. and all participants with exception of Operations Administrator Moos returned to the regular meeting.

During the Executive Session, the Commission discussed Complaint Nos. 23-014, 24-008, 24-013, 24-015, 24-031, 24-035, 26-012, 26-017, 26-025, 26-026, 26-027, 26-028, 26-029, 26-030, 26-031, 26-032, 26-033, 26-034, 26-037, 26-039, 26-040, 26-041, 26-042, 26-043, 26-044, 26-045, and 26-046.

After Executive session, the following motions were made:

Motion: Vice Chair Huibregtse moved to summarily dismiss complaint no. 24-031 for lack of personal jurisdiction and being insufficient to identify a possible violation. 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, with Commissioner Leben abstaining due to a declared potential conflict of interest.

Motion: Commissioner Edison-Smith moved to summarily dismiss complaint no. 26-012 for failing to comply with the Commission's rules and N.D.C.C. § 54-66-05(1). The motion was seconded by Commissioner Western. Chair Sharp called for a roll call vote. The motion was approved by unanimous roll call vote.

Motion: Commissioner Leben moved to summarily dismiss complaint no. 26-017 for being insufficient to identify a possible violation. The motion was seconded by Commissioner Western. Chair Sharp called for a roll call vote. The motion was approved by unanimous roll call vote.

Motion: Commissioner Leben moved to summarily dismiss complaint nos. 26-039, 26-040, 26-042, 26-043, 26-044, 26-045, and 26-046 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 unanimous roll call vote.

Motion: Vice Chair Huibregtse moved to summarily dismiss complaint no. 26-041 for failing to comply with the Commission's complaint rules. The motion was seconded by Commissioner Leben. Chair Sharp called for a roll call vote. The motion was approved by unanimous roll call vote.

14. **Adjourn:** Having no further business, the meeting was adjourned at 3:00 p.m. The next regular meeting is scheduled for September 30, 2026, at 10:00 a.m. in person in Minot and livestreamed with MS Teams.

Approved on 9/30/2026



Rebecca Binstock, Executive Director, North Dakota Ethics Commission