



North Dakota Ethics Commission Regular Meeting

Minutes of September 30, 2026

Magic City Discovery Center, 1545 1st Street NW, Minot, ND and MS Teams

1. **Call to Order, Welcome, and Introduction:** The in-person meeting was called to order by Chair Pamela Sharp at 10:14 a.m. The following members of the Ethics Commission were also present in person: Vice Chair Jared Huibregtse, Commissioners Mark Western 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 Lisa Edison-Smith and Legal Interns Ashley Wohl and Faith Scheuer.

Chair Sharp welcomed members of the public attending in Minot and online. Chair Sharp and the Commissioners provided brief introductions and background information about themselves and discussed the Commission's mission to promote ethical, transparent, and accountable government and strengthen public trust.

2. **Agenda Additions:** There were no agenda additions.
3. **Public Comment Period:** Diane Zander provided public comment and asked whether there were actions the Legislature could take to assist the Ethics Commission in carrying out its duties and responsibilities. Chair Sharp and Commissioner Western responded.
4. **Approval of Meeting Minutes:** The Commission discussed regular meeting minutes from August 26, 2026, and special meeting minutes from August 31, 2026.

Motion: Commissioner Leben moved to approve regular meeting minutes from August 26, 2026, and special meeting minutes from August 31, 2026. The motion was seconded by Vice Chair Huibregtse. Chair Sharp called for a voice vote. The motion was approved by a unanimous voice vote.

5. **Operations Report:**

- a. **Budget Update:**

OA Moos provided a budget update for August 2026 for the 2025-27 biennium budget. The Commission's current appropriation for the 2025-2027 biennium is \$1,384,716, which includes intern funding from OMB. Expenditures in August were \$59,008, bringing the total for the biennium to \$736,711, leaving a remaining appropriation for the 2025-2027 biennium of \$648,005. OA Moos projected

expenditures through the end of the biennium to be at \$656,989, leaving an estimated ending balance for the biennium on June 30, 2027, at negative \$8,985. This number will fluctuate. OA Moos noted the projected negative balance was primarily due to higher than anticipated IT costs and updated projections for Commissioner pay.

b. Filing and Case Management Report:

Executive Director Rebecca Binstock provided an update to the Commission on the complaint resolution report. As of the reporting date, September 28, 2026, the Commission received 219 complaints overall and had closed 200, or approximately 91 percent. Two additional complaints had been received since the prior Commission meeting in August.

ED Binstock recognized the assistance provided by Legal Interns Ashley Wohl and Faith Scheuer in helping staff process complaints and maintain manageable caseloads.

c. Communication, Education & Outreach:

Chair Sharp reported on an interview with David Thompson of Prairie Public. Vice Chair Huibregtse also reported on his interview with the Open Range Talk Show and discussed the importance of making the Commission's work accessible to the public through media and outreach opportunities.

ED Binstock provided an update on the recent "bot" attack on the Commission's website that specifically targeted the online forms. Approximately 23,000 "bot" submissions were received over a two-to-three-day period. This impacted the website's speed with some filers struggling to submit forms. NDIT assisted by placing the Commission's website behind the Cloudflare web application firewall. Staff reviewed all submissions and determined most submissions were automated. ED Binstock noted that continued funding of NDIT's web application firewall will be an issue to monitor during the legislative session as this is only funded through the end of the current biennium.

Chair Sharp, Vice Chair Huibregtse, ED Binstock, and OA Moos met with the Office of Management and Budget to discuss and review the Commission's 2027-2029 budget request and optional packages, including the request for additional staffing.

d. Case Management System Update:

ED Binstock provided an update on the case management system. ED Binstock is working with Sara Bilden with OMB on the RFI (request for information)/RFP (request for

proposal)/RFP for the case management system. ED Binstock will be reviewing the capabilities of a constituent management system implemented by the Governor's office earlier this year as a potential resource for the Commission. Information will continue to be gathered regarding both internal case management and any appropriate public-facing functionality.

e. COGEL Conference 2026:

Chair Sharp discussed the upcoming COGEL 2026 Conference in Denver, scheduled for December 6-9, 2026. Vice Chair Huibregtse, Commissioner Edison-Smith, Executive Director Binstock, and General Counsel Carpenter are expected to attend. Executive Director Binstock has also been invited to participate as a panelist in a session titled "What Every Leader Should Know ... Now! 10 Tips for Success".

6. **Ongoing Business:**

a. Update of Settlement Guidelines:

GC Carpenter discussed the updated draft settlement guidelines with the proposed additions concerning violations of the travel disclosure rules. The Commission discussed potential monetary and non-monetary settlement terms, including differences between voluntarily amended disclosures and disclosures amended after the Commission requires an amendment. Commissioners agreed that additional data regarding travel disclosures would be helpful before making substantial changes to the guidelines.

No final action was taken. GC Carpenter will compile information regarding travel disclosure filings for the Commission's consideration at the next regular meeting. The settlement guidelines will be placed on the agenda again for further discussion and potential final action.

b. Discussion of *Citizens Alliance of North Dakota et al v. Wrigley et al*, No. 1:25-cv-256 (D.N.D. 2025):

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.

7. **Legislative Session Preparation:** Chair Sharp opened the discussion regarding the upcoming 2027 legislative session and whether the Commission should pursue policy legislation in addition to its budget request. Commissioner Western outlined potential areas for legislative discussion, including the Commission's authority in several areas and clarification on the authority to impose sanctions.

Commissioners also discussed the timing and resources required to pursue policy legislation before the 2027 session. Several Commissioners expressed support for further exploring the issues but emphasized that the Commission's budget and staffing request should remain a priority and that policy proposals should not be rushed.

The Commission agreed that additional discussion was necessary and discussed holding a special meeting to further consider potential legislative policy issues. A special meeting was tentatively scheduled for October 9, 2026, with additional details to be provided by staff.

8. **Advisory Opinion 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 Chair Sharp, Commission staff notified the Association that it will be issuing an advisory opinion.

Legal Intern Ashley Wohl reviewed the draft Advisory Opinion. The Commission discussed the application of the gifting rules and exceptions. The Commission determined that the plaques were permissible under the applicable exception.

Motion: Commissioner Western moved to approve and issue Advisory Opinion 26-09 as presented 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 unanimously.

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 Chair Sharp, Commission staff notified the Auditor Gallion that it will be issuing an advisory opinion.

Legal Intern Faith Scheuer reviewed the draft Advisory Opinion. The Commission discussed and concluded the travel scholarship and complimentary registration constituted gifts and the organization qualified as a lobbyist for purposes of the applicable rules. Accordingly, Auditor Gallion could not accept the complimentary travel, lodging, or registration. Auditor Gallion could attend if he paid the associated expenses himself.

Motion: Commissioner Western moved to approve the draft language and issue advisory opinion 26-10 to the requester and for publication on the Commission's

website. The motion was seconded by Vice Chair Huibregtse. Chair Sharp called for a roll call vote. The motion was approved unanimously.

The Commission recessed at 11:48 a.m. and all Commission members reconvened at 12:00 p.m.

9. **Discussion of North Dakota Development Fund Conflict of Interest Policy and Disclosures:**

ED Binstock discussed the North Dakota Development Fund (NDDF) conflict of interest policy contained in a recent performance audit. Members of the NDDF are subject to the Ethics Commission's rules and are required to disclose any known potential conflict of interest. The Commission discussed concerns regarding the NDDF's existing policies and the lack of reference to the Commission's conflict of interest rules and lack of recommendation to make a policy compliant with the Commission's rules.

The Commission emphasized that the discussion was limited to the NDDF's conflict of interest policies and was separate from any investigation or review being conducted by the Attorney General's Office.

The Commission discussed the opportunity for the Ethics Commission to provide education and assistance to the NDDF concerning compliance with the Commission's conflict of interest rules.

Motion: Vice Chair Huibregtse moved to direct staff to gather information from the North Dakota Development Fund regarding its conflict of interest policy and report back to the Commission. The motion was seconded by Commissioner Western. Chair Sharp called for a roll call vote. The motion was approved unanimously.

The Commission recessed at 12:20 p.m. and all Commission members reconvened at 1:03 p.m.

10. **Meeting dates and workplan for 2027:** The Commission discussed its regular meeting schedule for 2027, including the possibility of holding several meetings in person in communities throughout North Dakota.

The Commission tentatively identified the following meeting dates:

- January 20, 2027
- February 17, 2027

- March 17, 2027
- April 21, 2027
- May 26, 2027
- June 16, 2027
- July 21, 2027
- August 25, 2027
- September 29, 2027
- October 27, 2027
- November 17, 2027
- December 15, 2027

The Commission also discussed holding community town hall sessions throughout the state. Commissioners discussed a possible educational and question and answer format and agreed to bring ideas for potential town halls to the next meeting for further discussion.

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

Commission entered executive session during the general meeting at 1:35 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. §§ 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 unanimously.

Information regarding the above-mentioned is confidential. The executive session was attended by all Commissioners.

Executive Session ended at 2:43 p.m. and all participants returned to the regular meeting.

12. Discussion of Complaint Nos. 23-014, 24-008, 24-013, 24-015, 24-035, 25-076, 25-077, 25-078, 25-079, 25-080, 25-081, 25-082, 26-001, 26-047, 26-048, 26-049, 26-050, 26-051, and 26-052: The Commission entered executive session during the general meeting at 2:46 p.m. to discuss Complaint Nos. 23-014, 24-008, 24-013, 24-015, 24-035, 25-076, 25-077, 25-078, 25-079, 25-080, 25-081, 25-082, 26-001, 26-047, 26-048, 26-049, 26-050, 26-051, and 26-052.

Information regarding the content and parties to a complaint to the Ethics Commission is confidential. The executive session was attended by all Commissioners.

Executive Session ended at 3:06 p.m. and all participants returned to the regular meeting.

During the Executive Session, the Commission discussed Complaint Nos. 23-014, 24-008, 24-013, 24-015, 24-035, 25-076, 25-077, 25-078, 25-079, 25-080, 25-081, 25-082, 26-001, 26-047, 26-048, 26-049, 26-050, 26-051, and 26-052.

After Executive session, the following motions were made:

Motion: Commissioner Leben moved to summarily dismiss complaint no. 26-047 for lack of personal jurisdiction. The motion was seconded by Commissioner Edison-Smith. Chair Sharp called for a roll call vote. The motion was approved unanimously, with Vice Chair Huibregtse abstaining due to a declared conflict of interest.

Motion: Commissioner Western moved to summarily dismiss complaint no. 26-051 for lack of personal jurisdiction, for failing to comply with the complaint rules, and for 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 unanimously.

13. **Adjourn:** Having no further business, the meeting was adjourned at 3:09 p.m. The next regular meeting is scheduled for October 28, 2026, at 9:00 a.m. livestreamed with MS Teams.

Approved on 10/28/2026



Rebecca Binstock, Executive Director, North Dakota Ethics Commission