North Dakota Ethics Commission Regular Meeting

Minutes of October 28, 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 Mark Western, Lisa Edison-Smith, and Kelly Leben, as well as Executive Director Rebecca Binstock, General Counsel Logan Carpenter, Operations Administrator Adilene Moos, and OMB Communication Specialist Victoria Nicholson. Legal Intern Ashley Wohl was present on MS Teams.

2. **Agenda Additions:** There were no agenda additions. Item 8 was amended from "Discussion of North Dakota Development Fund Conflict of Interest Policy" to "Discussion of North Dakota Development Fund." Item 9 was also removed from the agenda.

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 September 30, 2026, and special meeting minutes from October 9, 2026. Commissioner Leben identified a duplicate listing of Chair Sharp in the September 30th meeting minutes and requested this be updated.

   Motion: Commissioner Western moved to approve regular meeting minutes from September 30, 2026, as amended, and special meeting minutes from October 9, 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 September 2026 for the 2025-27 biennium budget. The Commission's current appropriation for the 2025-2027 biennium is $1,384,716. Expenditures in September were $51,086, bringing the total for the biennium to $787,798, leaving a remaining appropriation for the 2025-2027 biennium of $596,918. OA Moos projected expenditures through the end of the biennium to be at $588,667, leaving an estimated ending balance for the biennium on June 30, 2027, at $8,251. This number will fluctuate. OA Moos noted funds were reallocated within professional fees and services to account for the increased projected Commissioner

pay. The estimated Commissioner compensation for the biennium has increased from approximately $36,000 to approximately $49,000. The outside counsel budget remained unchanged.

b. Filing and Case Management Report:

Chair Sharp provided an update to the Commission on the complaint resolution report. As of the reporting date, October 26, 2026, the Commission received 219 complaints overall and had closed 202 and 17 were pending, for a closure rate of approximately 92 percent. One additional complaint was received since the prior Commission meeting in September.

The complaint resolution report is now available on the website and will be updated on the 10th of each month. ED Binstock demonstrated the report on the Commission's website.

c. Communication, Education & Outreach:

Chair Sharp reported that she and ED Binstock presented an overview of the Ethics Commission, its duties, and the statutory complaint process at Lord of Life Church's Adult Forum on October 18. ED Binstock also presented to the Minot Chamber of Commerce's Division of Governmental Affairs on October 21, focusing on the lobbyist gifting rule and travel disclosure requirements.

ED Binstock provided an overview on the 2025 legislative session training, including the time required and the different targeted groups: legislators, legislative employees, lobbyists, and members of the public. Commissioners favored prioritizing in-person education for new legislators and legislative employees, with one or more Commissioners participating. The Commission discussed gauging interest and coordinating with Legislative Council to arrange a limited number of manageable sessions, potentially during lunch hours. Commissioners also emphasized the importance of engaging lobbyists, while recognizing that lobbyist education could be scheduled with greater flexibility. Staff will develop a proposed plan and present it at the November meeting.

d. Case Management System Update:

Chair Sharp reported that ED Binstock has continued working with Sara Bilden with OMB on procurement options for a case management system. The Commission provided New Mexico's Ethics Commission system specifications to NDIT, and OMB was contacting

vendors with existing state contracts to determine whether a suitable system was available without initiating a separate RFI (request for information)/RFP (request for proposal) process. ED Binstock also reviewed the Governor's Office constituent management system and determined it was not an appropriate fit because the Commission's primary need is a public facing system rather than an internal work tracking system.

e. Human Resource Update:

Chair Sharp reported that job postings had opened for two legal intern positions for the summer of 2027, with anticipated start dates in mid-May. An Executive Services Intern position, intended to provide administrative support, was posted October 16 and was scheduled to close November 6. ED Binstock discussed the anticipated availability of OMB internship funding, including the process for returning and reallocating unused funds. An update at the November meeting will be given regarding funding needs, including any revised request related to Ashley Wohl's anticipated legislative session work.

f. 2027 Schedule & Workplan Review:

The Commission reviewed a tentative schedule and workplan through December 2027, including anticipated budget hearings, regular meetings, special meetings, town halls, and a proposed review of intern research regarding gaps in North Dakota's ethics rules. Commissioners discussed possible town halls during non-winter months and potential locations including Valley City, Williston, and Devils Lake. The Commission will continue discussion of the town hall format and planning at a future meeting.

6. **Ongoing Business:**

a. Update of Settlement Guidelines:

GC Carpenter presented proposed revisions to the settlement guidelines addressing late, incorrect, incomplete, or amended travel disclosure statements and knowing violations. Commissioners supported a first-step warning letter, followed by an educational requirement or other non-monetary term at the Commission's discretion for a subsequent violation, with monetary sanctions available for repeated violations. The Commission discussed using the existing cure period in the rules and available training educational resources, including the Commission's Dakota Dilemmas webinars.

The Commission also discussed retaining flexibility to impose monetary and/or non-monetary terms for knowing violations, and ensuring consistent treatment of similar cases. GC Carpenter made revisions to the guidelines during the discussion.

Motion: Commissioner Edison-Smith moved to adopt the updated settlement guidelines to include guidelines for violations of the travel disclosure rules as discussed. The motion was seconded by Vice Chair Huibregtse. Chair Sharp called for a roll call vote. The motion was approved unanimously.

b. Discussion of Legislative Session Preparations:

Chair Sharp led a discussion regarding the Commission's presentation of its 2027-2029 budget request to the Legislature. Commissioners supported a coordinated presentation in which each Commissioner would address specific areas of the budget request. Discussion included the need for additional legal staff and an education administrator, Commissioner and temporary salary funding, and travel. Commissioners agreed the value of being present and actively representing the Commission during legislative session. ED Binstock and Communication Specialist Nicholson will prepare talking points and one-page summaries for the requested positions.

The Commission also discussed tracking bills during the session. ED Binstock demonstrated the shared bill tracking document used during the prior session, which identifies bills for monitoring and records status, hearing dates, and comments. Commissioners discussed the possibility of having regular special meetings, potentially weekly or every other week depending on legislative activity, to review bills and determine the Commission's positions.

c. Discussion of Strategic Plan:

Vice Chair Huibregtse reported that he and ED Binstock prepared a revised draft strategic plan. He recommended holding a separate meeting to allow sufficient time for Commission discussion. The Commission agreed to schedule a special meeting for December 2, 2026, from 9:00 a.m. to noon.

d. 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.

The Commission recessed at 10:45 a.m. and all Commission members reconvened at 11:20 a.m.

e. Discussion of Attorney General Letter Opinion 25-L-03:
The Commission entered executive session during the general meeting at 11:23 a.m. to discuss the Attorney General Letter Opinion 25-L-03.

> **Motion:** Commissioner Western 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, 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 Vice Chair Huibregtse. Chair Sharp called for a roll call vote. The motion was approved unanimously.

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

Executive Session ended at 1:04 p.m. and all participants returned to the regular meeting.

> The Commission recessed at 1:06 p.m. and all Commission members reconvened at 1:20 p.m.

7. **Advisory Opinion 26-11:**
This request was received on October 20, 2026, from the Representative Mike Motschenbacher and relates to his service as a legislator and his employment with ND Gaming Alliance. GC Carpenter recommended the Commission not issue an advisory opinion because the request primarily addressed past and existing circumstances and prior votes, rather than a hypothetical and prospective situation. Commissioners discussed providing the requester with an explanation of the reason for declining the request and an opportunity to submit a revised request framed prospectively.

> **Motion:** Commissioner Western moved that the Commission not issue the requested advisory opinion based on the request's focus on events that already occurred rather than presenting a hypothetical and prospective question. The motion was seconded by Commissioner Leben. Chair Sharp called for a roll call vote. The motion was approved unanimously.

8. **Discussion of North Dakota Development Fund:**
   Chair Sharp explained the agenda item had broadened beyond the Development Fund's conflict of interest policy because of recent public reporting and the Attorney General's decision to decline to assess the matter due to a conflict. The Commission discussed its authority under Article XIV, Section 3 of the North Dakota Constitution and whether to initiate an inquiry into the North Dakota Development Fund. GC Carpenter provided background regarding the Fund's statutory structure and the appointment of its board members and chief executive officer.

   Commissioners discussed whether an inquiry was appropriate, the precedent it could establish, and the Commission's responsibility to promote public confidence in ethical and accountable government. Discussion included the possibility of reviewing the audit and related materials, identifying categories of documents to request, and determining whether additional information or testimony would be appropriate. Staff will provide Commissioners with the audit report and assist with developing a process consistent with the Commission's direction.

   Motion: Commissioner Western moved that the North Dakota Ethics Commission initiate an inquiry into the North Dakota Development Fund, consistent with the issues presented in the audit included in the September 2026 meeting packet. The motion was seconded by Commissioner Edison-Smith. Chair Sharp called for a roll call vote. The motion was approved unanimously.

9. **Legal Discussion on Receipt of Information Containing Evidence of Ethics Violations:**
   This item was removed from the agenda.

10. **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, and 26-053:** 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, 24-035, 25-076, 25-077, 25-078, 25-079, 25-080, 25-081, 25-082, 26-001, 26-047, 26-048, 26-049, 26-050, and 26-053. 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 2:12 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, and 26-053.

11. **Adjourn:** Having no further business, the meeting was adjourned at 2:13 p.m. The next regular meeting is scheduled for November 18, 2026, at 9:00 a.m. in-person and livestreamed with MS Teams.

Approved on 11/18/2026



Rebecca Binstock, Executive Director, North Dakota Ethics Commission