



North Dakota Ethics Commission Regular Meeting

Minutes of February 13, 2025

MS Teams

1. **Call to Order:** The meeting was called to order by Chair Dave Anderson at 1:02 p.m. The following members of the Ethics Commission were also present: Vice Chair Ward Koeser, Commissioners Cynthia Lindquist, Ron Goodman, and Murray Sagsveen, Executive Director Rebecca Binstock, General Counsel Logan Carpenter, Operations Administrator Alisha Maier, and Legal Intern Patrick Frise.
2. **Agenda Additions:** Commissioner Sagsveen requested an executive session be added to consult with the Commission's attorney regarding business with an outside attorney. Later in the meeting, Commissioner Sagsveen advised he would wait on this request until the March regular meeting.
3. **Approval of Minutes:** The Commission discussed regular meeting minutes from January 22, 2025, and special meeting minutes from January 30, 2025.

Motion: Commissioner Sagsveen moved to approve regular meeting minutes from January 22, 2025, and special meeting minutes from January 30, 2025. Motion was seconded by Vice Chair Koeser. Chair Anderson called for a voice vote. The motion was approved by unanimous voice vote.

4. **Executive Director Update:**
 - Operations Administrator Alisha Maier provided a budget update through the end of January 2025 for the 2023-25 biennium budget. She noted the following totals: current appropriation for the 2023-2025 biennium is \$1,167,769, expenditures in January were \$50,639, total expenditures for the current biennium have been \$856,390, leaving a remaining appropriation for the 2023-2025 biennium of \$311,379. OA Maier presented an estimated ending balance for the biennium on June 30, 2025, at \$12,482 explaining this number will fluctuate as we move through the biennium.
 - Executive Director Rebecca Binstock provided an update to the Commission on filings.

In January 2025, the Commission received the following filings:

- Complaints: 1

- Quasi-Judicial Forms: 4
- Conflict of Interest Forms: 6
- Meeting Notices: 28

The Commission currently has 35 pending complaints.

- ED Binstock provided an education and outreach update. On February 6, 2025, ED Binstock presented at the League of Women Voters – Bismarck/Mandan meeting about the history, current position, and legislative priorities of the Ethics Commission.

In March, ED Binstock will be participating as a panelist for the Bismarck-Mandan Chamber's Ethical Decision-Making Panel, GC Carpenter and ED Binstock will be speaking as part of the University of North Dakota School of Law's "Wisdom Speaker Series" for legislative interns, and ED Binstock will be speaking to a class at UND.

5. **Chair Anderson Report:** Chair Anderson provided the Commission with an update regarding communications with the Office of the Attorney General. The Commission sent a response to Chief Deputy Attorney General Claire Ness's letter from December 12th, 2024. The letter was shared with the Commissioners. Chair Anderson noted that Chief Deputy Attorney General Ness's letter was delivered 80 minutes before a scheduled meeting between Commission staff and Attorney General Office staff regarding draft legislation concerns and that the letter was sent to each one of the Commissioners but there was no courtesy copy to Commission staff. Chair Anderson's response letter covered and countered the concerns of Chief Deputy Attorney General Ness's letter.

Chair Anderson added that he met with Attorney General Wrigley and Chief Deputy Attorney General Ness on December 4th, 2024, and nothing was discussed regarding legislation. During the meeting, Attorney General Wrigley shared concerns that Executive Director Binstock has been providing legal advice. Chair Anderson then spoke with the Commission's Past Chair, Paul Richard and Commissioner Sagsveen regarding the discussion and determined that the education ED Binstock provides is implementing Article XIV of the North Dakota Constitution.

6. **Legislative Bills Affecting Ethics Commission:** ED Binstock provided an update on the legislative bills affecting the Commission:

SB 2004: SB 2004 is the Ethics Commission's budget bill. The Senate amended the Commission's budget to the Armstrong recommendation with two changes. The first change added the Education and Communication FTE. The second change lowered the funds requested for a case

management system from a \$195,000 to \$50,000 appropriation based upon New Mexico's simplified case management system.

Senate Appropriations did not allocate funds for rules implementation and workload increases. Both the workload increases and rules implementation were discussed during committee work without strong objections, but did not make it into the amendment. The exclusion of funds for workload increases and rules implementation in the amendment could have been an oversight by the committee. ED Binstock will address those items with the House Appropriations Committee.

SB 2004 as amended was approved by the Senate on February 11, 2025, with a 25:21 vote. SB 2004 will be heard by the House Appropriations - Government Operations Division after cross-over.

HB 1141: The hearing for HB 1141 was held on January 27, 2025, before the House Industry, Business, and Labor Committee. ED Binstock presented neutral testimony on the bill regarding the procedural workings of the Commission. At the hearing, several groups testified in opposition to the bill being too broad, specifically that the bill would prevent state and local officials from being members of professional organizations. A few legislators commented that they plan to offer amendments to the bill to address those concerns.

Commissioner Sagsveen attended the hearing on HB 1141 and drafted a potential amendment to fix some of the procedural concerns addressed. GC Carpenter took that amendment and integrated needed procedures. That amendment was considered by the committee and was adopted. Ultimately, HB 1141 received a Do Not Pass recommendation.

HB 1434: HB 1434 applied to all administrative rules. Therefore, it would include the Commission's rules, but the sponsor did not intend to do that. This bill would set an expiration on Commission rules at 10 years. At that point, they would be reviewed by the governor to see whether they were necessary to be continued or not. GC Carpenter testified in opposition to the bill as introduced but advised the Commission's opposition to the bill can be addressed by an amendment offered by the bill sponsor.

HB 1434 received a Do Not Pass recommendation and did not pass on the House Floor. There may be a different bill that may integrate some of the aspects of HB 1434. Commission staff will continue to monitor related bills.

HB 1469: The hearing for HB 1469 was held before the House Political Subdivisions. Secretary Howe and ED Binstock provided testimony in favor of the bill. There was opposition related to having the financial statement disclosures available online. Secretary Howe offered an amendment to the bill to clarify that only forms filed with his office are required to be available online and to exclude federal office holders from the yearly filing requirement since this is already done at the federal level.

Commission staff will continue to monitor the bill and coordinate with the Secretary of State's Office.

HB 1360 & HB 1505: The hearings for HB 1360 and HB 1505 were held on January 31, 2025, before the House Government and Veteran Affairs Committee.

Commissioner Sagsveen and ED Binstock provided testimony in support of HB 1360. The Office of the Attorney General testified in opposition to HB 1360. In that testimony, Chief Deputy Attorney General Ness made representations to the committee related to the effects of the bills and indicated she previously spoke to Chair Anderson and Chair Richard about the AG Office's concerns related to the bill. The concerns raised in that testimony had not been previously brought to Commission staff. Some of the representations made relating to the effects of the bill were inaccurate. Chair Anderson added that Chief Deputy Attorney General Ness stated she had spoken to the former and current president of the Commission about these issues. Chair Anderson advised that statement was not true.

ED Binstock provided testimony in opposition to HB 1505, specifically regarding the provisions related to confidentiality of complaints, the closure of a complaint, and informal guidance by the Commission. Representative Lefor presented an amendment at the hearing, which was then explained by Legislative Council staff, addressing many of the concerns the Commission has with HB 1505.

Due to the testimonies provided and because HB 1505 and HB 1360 inherently overlap as they relate to the Commission's process, Chair Schauer assigned two individuals from the committee to sort the bills out and bring a recommendation back to the committee. Commission staff have since provided additional information to the assigned individuals regarding HB 1360 to address misrepresentations regarding the effect of HB 1360 made during testimony.

Commission staff will continue to work with the sponsors of HB 1360 and HB 1505 to ensure the concerns relating to the complaint process are fixed or moved in a workable direction for the Commission moving forward.

Commissioners were provided with a document (attachment 14) drafted by Commission staff to correct the legislative record due to inaccuracies stated during the Office of the Attorney General's testimony. The Commission discussed the hearing and the potential of correcting the legislative record.

Motion: Commissioner Sagsveen moved to direct Commission staff to send the letter that is drafted in attachment 14. Motion was seconded by Vice Chair Koeser. Chair Anderson called for a roll call vote. The motion was approved by unanimous roll call vote.

7. **Executive Session:** The Commission entered executive session during the general meeting at 2:14 p.m. to discuss Complaint Nos. 25-001, 25-002, and 25-003. Information regarding the content and parties to a complaint to the Ethics Commission is confidential. The following participants entered the executive session: Chair Dave Anderson, Vice Chair Koeser, Commissioners Ron Goodman, Cynthia Lindquist, and Murray Sagsveen, Executive Director Rebecca Binstock, General Counsel Logan Carpenter, Operations Administrator Alisha Maier, and Legal Intern Patrick Frise.

Executive Session ended at 2:24 p.m. and all participants returned to the regular meeting.

During the Executive Session, the Commission discussed Complaint Nos. 25-001, 25-002, and 25-003.

After Executive session, the following motions were made:

Motion: Vice Chair Koeser moved to Direct Executive Director Binstock to summarily dismiss Complaint No. 25-001 for a lack of subject matter jurisdiction. Motion was seconded by Commissioner Lindquist. Chair Anderson called for a roll call vote. The motion was approved by unanimous roll call vote.

Motion: Commissioner Goodman moved to Direct Executive Director Binstock to summarily dismiss Complaint No. 25-002 for a lack of personal and subject matter jurisdiction. Motion was seconded by

Commissioner Sagsveen. Chair Anderson called for a roll call vote. The motion was approved by unanimous roll call vote.

Motion: Commissioner Sagsveen moved to Direct Executive Director Binstock to summarily dismiss Complaint No. 25-003 for a lack of subject matter jurisdiction. Motion was seconded by Commissioner Goodman. Chair Anderson called for a roll call vote. The motion was approved by unanimous roll call vote.

8. **Discussion of Advisory Opinion Request 25-01:** ED Binstock provided an update on Advisory Opinion Request 25-01. The Commission previously discussed this request at its meeting on January 22, 2025. On January 28, 2025, ED Binstock communicated with the requestor to inform him the Commission would issue an opinion. On February 5, 2025, GC Carpenter sent a letter to the requestor to request an extension to issue the opinion. The requestor agreed to an extension, with the opinion to be issued by May 30, 2025.
9. **Discussion of 2025-2027+ Strategic Plan:** ED Binstock provided an update on the 2025-2027 Strategic Plan, advising she would like the Commission to begin discussing its strategic initiatives for the upcoming biennium. The 2023-2025 Strategic Plan was provided to the Commissioners and ED Binstock summarized the document.

Commissioner Sagsveen asked if an in-person meeting would be held in the future to discuss the strategic plan. ED Binstock advised the Commission has funds budgeted to do so. The Commission decided to hold the May regular meeting in person.

Commissioner Goodman addressed media articles regarding the Commission and a way to inform the legislature and the public about the Commission's work. ED Binstock advised finding more creative ways outside of what has already been done would be a good goal to add.

10. **Further Business:** ED Binstock reminded the Commission about previous discussions regarding holding a meeting at UND Law School. The Commission determined the fall would be the best time to do so. Commissioner Sagsveen suggested NDSU would be a good place to hold a meeting as well and suggested reaching out to them in the future.
11. **Adjourn:** The meeting was adjourned at 2:56 p.m. The next regular meeting is scheduled for March 26, 2025, at 9:00 a.m., livestreamed with MS Teams.

Approved on 4/2/25



A handwritten signature in blue ink, appearing to read "R Binstock". The signature is fluid and cursive.

Rebecca Binstock, Executive Director, North Dakota Ethics Commission