



North Dakota Ethics Commission Regular Meeting

Minutes of April 2, 2025

MS Teams

1. **Call to Order:** The meeting was called to order by Chair Dave Anderson at 9:03 a.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:** Executive Director Rebecca Binstock requested to add discussion of HB 1601 onto agenda item No. 5. ED Binstock also advised the House Appropriations Education and Environment Committee will be potentially discussing the Commission's Budget Bill SB 2004 during the Commission's meeting. ED Binstock did email the committee letting them know the Commission had a regular meeting scheduled during this time. The Commission discussed watching the committee meeting during the Commission's regular meeting if that were to happen.
3. **Approval of Minutes:** The Commission discussed regular meeting minutes from February 13, 2025, and special meeting minutes from March 7, 2025, and March 18, 2025.

Motion: Commissioner Lindquist moved to approve regular meeting minutes from February 13, 2025, and special meeting minutes from March 7, 2025, and March 18, 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 February 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 February were \$51,525, total expenditures for the current biennium have been \$907,991, leaving a remaining appropriation for the 2023-2025 biennium of \$259,777. OA Maier presented an estimated ending balance for the biennium on June 30, 2025, at \$9,171 explaining this number will fluctuate as we move through the biennium.

Commission Goodman requested staff look into the cost of adding subscribers for the Forum.

- Executive Director Rebecca Binstock provided an update to the Commission on filings.

In February 2025, the Commission received the following filings:

- Complaints: 39
- Quasi-Judicial Forms: 3
- Conflict of Interest Forms: 1
- Meeting Notices: 21

The Commission currently has 90 pending complaints.

- ED Binstock provided an education and outreach update. In March 2025, ED Binstock participated as a panelist for the Bismarck-Mandan Chamber's Ethical Decision-Making Panel. This panel includes individuals from education, government, and healthcare fields discussing ethical decision making. The individuals who attend are currently going through the Chamber's leadership program.

On March 24, 2025, ED Binstock presented to a graduate level class at the University of North Dakota. This presentation included discussions about public budgeting and ethical decision making.

On March 31, 2025, GC Carpenter and ED Binstock spoke with UND Law School's legislative interns. Legal Intern Patrick Frise also presented information about the Ethics Commission.

In April, ED Binstock will present to the ND Medical Imaging & Radiation Therapy Board.

ED Binstock reached out to the Northern Plains Ethics Institute about holding a meeting or public forum with their efforts at NDSU this fall. They suggested involving NDSU as well. ED Binstock will work with the president's office to see what they are interested in doing. Commissioner Sagsveen advised he would like to work with Commission staff on coordinating this event.

- ED Binstock provided an office update:

Roller Shades: Earlier in the biennium, the Commission requested staff look into changing the blinds to roller shades to block out light and better facilitate virtual

meetings in the conference room. Commission staff received an updated quote to install these shades in the entire office space to make everything look uniform. The quote for the shades is approximately \$2,500.

Privacy Film: When the Commission moved into the office space, it was suggested to add privacy film to some of the glass walls, allowing for light to pass through but also allow for privacy. Given the budgetary constraints at the time, the Commission did not install privacy film on the glass walls. The Commission can now decide whether to add the privacy film considering there are currently projected funds available at the end of the biennium. The quote for the privacy film is approximately \$2,600.

Motion: Commissioner Lindquist moved to approve Commission staff to purchase roller shades and privacy film for the Commission office. Motion was seconded by Commissioner Goodman. Chair Anderson called for a roll call vote. The motion was approved by unanimous roll call vote.

5. **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 added the Education and Communication FTE and a one-time \$50,000 appropriation for the case management system on top of the executive recommendation. The workload increase was discussed during committee work without concern, but did not make it into the amendment. ED Binstock will address this with the House Appropriations Committee. SB 2004 as amended was approved by the Senate on February 11, 2025.

On March 18, 2025, the House Appropriations Education and Environment Division held a hearing on SB 2004. Commission staff and Commissioner Sagsveen provided testimony. The committee had multiple questions about process but minimal questions regarding the budget. The committee requested the Commission propose potential amendments to address the issues with the complaint process. It was noted by a committee member during the hearing that the Commission had already attempted this through HB 1360.

Commission staff recommended the Commission does not add any policy items onto the Commission's budget bill.

SB 2052: GC Carpenter advised that SB 2052 is the Ethics Commission's bill to add "elected" to the caption of section 54-66-13. The bill was amended to rearrange some of the wording on the caption. When brought to the House floor, the carrier had questions, so it was brought back to the committee. Commission staff provided further information to the House Government Veterans Affairs Committee including a breakdown of the bill. The committee decided that Legislative Council can take care of this in the technical corrections bill and gave it a "Do Not Pass" recommendation. Commission staff will monitor this bill next legislative session.

HB 1469: The Senate hearing for HB 1469 was held on March 21, 2025, before the Senate State and Local Government Committee. ED Binstock, Secretary Howe, and Representative Bosch provided testimony. The committee discussed potentially amending section 2 to clarify the list of contracts for the government entity in which the public official serves and not all government contracts. Legislative Council will work on that amendment. Commission staff will stay neutral on the amendment if it comes forward. Commission staff will continue to monitor the bill and coordinate with the Secretary of State's Office and Representative Bosch as needed.

HB 1601: HB 1601 would preclude the Office of the Attorney General from revoking a SAAG appointment from an attorney who is in good standing and employed by one of the offices listed in the bill. An amendment was introduced to add the Ethics Commission to the constitutional offices listed. ED Binstock provided testimony in support of the amendment.

6. **Discussion of Proposed Travel Disclosure Rules:** ED Binstock reminded the Commission that prior to legislative session, the Commission was considering draft financial and travel disclosure rules. The financial part of the disclosure rules was moved into HB 1469.

OA Maier worked with NDIT to create an online form to facilitate the travel disclosure rules. ED Binstock requested the Commission now consider whether it wants to move forward with the proposed travel disclosure rules in conjunction with potential changes to the gift rules or just move forward with the travel rules on their own. If done separately, the Commission would need to provide notice of the proposed rules at a cost of \$2,000 and would then need to provide notice again for any proposed changes to the gift rules. However, the Commission does have funds budgeted to do them separately. The Commission determined it was best to keep the travel rules separate from the gift rules.

The drafted travel rules were provided to the Commissioners. GC Carpenter explained the rules would require disclosure with the Commission of third party funded travel that is provided in relation to the public official's duties or their status as a public official that is not otherwise

reported somewhere in the state. By the 15th of every month, a public official would be required to report this travel through the Commission's online form. These forms would then be reviewed by Commission staff and then be publicly available on the Commission's website. The Commission discussed the rules and had concerns with timelines, fees being too small, and a potential loophole of individuals refusing to submit the travel disclosures.

Motion: Commissioner Sagsveen moved to table the topic until the next meeting to allow for amendments of the draft rule to address the penalties in the rule and to address a deliberate refusal to comply with the rule. Motion was seconded by Commissioner Lindquist. Chair Anderson called for a roll call vote. The motion was approved by unanimous roll call vote.

7. **Hearing on SB 2004:** ED Binstock and OA Maier left the meeting at 10:10 a.m. during agenda item No. 6 as the House Appropriations Education and Environment Committee had started discussion on SB 2004. At 10:24 a.m., the Commission decided to stream the committee meeting on SB 2004 during the Commission's meeting.

ED Binstock and OA Maier returned to the Commission meeting at 11:11 a.m. after the House Appropriations Education and Environment Committee had adjourned.

8. **Executive Session:** The Commission entered executive session during the general meeting at 11:14 a.m. to discuss Complaint Nos. 22-003, 22-004, 22-005, 22-006, 22-007, 22-008, 22-009, 22-010, 23-011, 23-013, 23-014, 24-014, 24-034, 25-004, 25-005, 25-006, 25-007, 25-008, 25-009, 25-010, 25-011, 25-012, 25-013, 25-014, 25-015, 25-016, 25-017, 25-018, 25-019, 25-020, 25-023, 25-024, 25-025, 25-026, 25-027, 25-028, 25-029, 25-030, 25-031, 25-032, 25-033, 25-034, 25-035, 25-036, 25-037, 25-040, and 25-041. 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 12:26 p.m. and all participants returned to the regular meeting.

During the Executive Session, the Commission discussed Complaint Nos. 22-003, 22-004, 22-005, 22-006, 22-007, 22-008, 22-009, 22-010, 23-011, 23-013, 23-014, 24-014, 24-034, 25-004, 25-005, 25-006, 25-007, 25-008, 25-009, 25-010, 25-011, 25-012, 25-013, 25-014, 25-015, 25-

016, 25-017, 25-018, 25-019, 25-020, 25-023, 25-024, 25-025, 25-026, 25-027, 25-028, 25-029, 25-030, 25-031, 25-032, 25-033, 25-034, 25-035, 25-036, 25-037, 25-040, and 25-041.

During the Executive Session, ED Binstock and OA Maier recused on Complaint Nos. 25-023 and 25-034 and were not present for those discussions.

After Executive session, the following motions were made:

Motion: Vice Chair Koeser moved to Direct Executive Director Binstock to summarily dismiss Complaint No. 24-014 for a lack of 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 Goodman moved to Direct Executive Director Binstock to summarily dismiss Complaint No. 24-034 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 Sagsveen moved to Direct Executive Director Binstock to summarily dismiss Complaint No. 25-005 for a lack of personal and 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: Vice Chair Koeser moved to Direct Executive Director Binstock to summarily dismiss Complaint Nos. 25-006 through 25-018, 25-020, 25-024 through 25-033, 25-035, and 25-040 for a lack of 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. 25-019 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.

Motion: Cynthia Lindquist moved to Direct General Counsel Carpenter, as acting executive director, to summarily dismiss Complaint Nos. 25-

023 and 25-034 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.

Motion: Commissioner Goodman moved to Direct Executive Director Binstock to summarily dismiss Complaint Nos. 25-036 and 25-037 for a lack of 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.

9. **May Meeting Logistics:** ED Binstock advised the Commission has been discussing the idea of holding an in-person strategy session in conjunction with a regular meeting during the May meeting. The May meeting is currently scheduled for May 21, 2025. However, GC Carpenter is unavailable on that date. This would also be a good opportunity to conduct a "mock" hearing which would likely require a two-day meeting. The Commission decided the May regular meeting would be rescheduled to May 6th and 7th, 2025, at 9:00 a.m.

ED Binstock advised UND Law School proposed holding a meeting there on September 17, 2025. Commissioners were in agreeance with this option.

10. **Adjourn:** Having no further business, the meeting was adjourned at 12:42 p.m. The next regular meeting is scheduled for April 23, 2025, at 9:00 a.m., livestreamed with MS Teams.

Approved on 4/23/25



Rebecca Binstock, Executive Director, North Dakota Ethics Commission