



North Dakota Ethics Commission Regular Meeting

Minutes of April 23, 2025

MS Teams

1. **Call to Order:** The meeting was called to order by Chair Dave Anderson at 9:01 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 Complaint Nos. 25-058 and 25-063 onto agenda item No. 7.
3. **Approval of Minutes:** The Commission discussed regular meeting minutes from April 2, 2025, and special meeting minutes from April 15, 2025.

Motion: Vice Chair Koeser moved to approve regular meeting minutes from April 2, 2025, and special meeting minutes from April 15, 2025. The motion was seconded by Commissioner Goodman. Chair Anderson called for a voice vote. The motion was approved by a unanimous voice vote.

4. **Executive Director Update:**

- Operations Administrator Alisha Maier provided a budget update through the end of March 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 March were \$47,290, total expenditures for the current biennium have been \$955,281 leaving a remaining appropriation for the 2023-2025 biennium of \$212,488. OA Maier presented an estimated ending balance for the biennium on June 30, 2025, at \$4,123 explaining this number will fluctuate as we move through the biennium.
- Executive Director Rebecca Binstock provided an update to the Commission on filings.

In March 2025, the Commission received the following filings:

- Complaints: 23
- Quasi-Judicial Forms: 2
- Conflict of Interest Forms: 1

- Meeting Notices: 25

The Commission closed 0 complaints in March due to the regular meeting being held in April.

The Commission currently has 61 pending complaints.

- ED Binstock provided an education and outreach update. In April, ED Binstock presented to the ND Medical Imaging & Radiation Therapy Board. This presentation focused on managing potential conflicts of interest and a general overview of the Commission.

No future events are planned currently as the staff have been focusing on wrapping up legislative session.

- ED Binstock provided an update on policies and procedures:

Overtime and Compensatory Time Policy

In November 2024, the Commission adopted a policy to address overtime and compensatory time for non-exempt team members. This policy is based on FLSA compliance. Under the current policy, non-exempt team members must be given pay for the first 80 hours of overtime during legislative session. ED Binstock requested a change in the policy to allow the use of overtime pay up to 80 hours at the discretion of the executive director to facilitate times the Commission has high-demand or time sensitive work to be completed.

Motion: Commissioner Lindquist moved to approve the amended Overtime and Compensatory Time Policy. The motion was seconded by Commissioner Goodman. Chair Anderson called for a roll call vote. The motion was approved by unanimous roll call vote.

Annual Inventory Policy

OA Maier completed the Commission's annual physical asset inventory earlier this year. When the inventory was completed, OA Maier noticed the Commission needed a policy to establish a dollar value threshold to inventory the Commission's assets. ED Binstock requested the Commission adopt a policy establishing a \$50 threshold to comply with OMB Policy 205.

Motion: Commissioner Lindquist moved to approve the Annual Inventory Policy. The motion was seconded by Vice Chair Koeser. Chair Anderson called for a roll call vote. The motion was approved by unanimous roll call vote.

Commissioner Pay Policy

ED Binstock provided an overview of the implementation of the Commissioner Pay Policy. Under item "d." of the Commissioner Pay policy, ED Binstock identified that Commissioners likely should have been paid for pre-meetings. After speaking with HR, staff determined they can retro pay any such meetings through 2025. Commission staff determined the retro pay would only apply to Chair Anderson. Chair Anderson declared a potential conflict, recused, and was not involved in the vote on the motion.

Motion: Commissioner Lindquist moved to authorize ED Binstock to request back-pay for meetings during 2025 attended by Commissioners. The motion was seconded by Commissioner Sagsveen. Vice Chair Koeser called for a roll call vote. The motion was approved by unanimous roll call vote.

Media Relations Policy

ED Binstock provided a refresher on the Media Relations Policy and advised the Commission that media decisions such as an Ethics Commission appearance on a show or a formal statement request from the Commission are made in consultation with the ED and Chair.

- ED Binstock provided a records retention update. During the May meeting, Commission staff will be available to assist Commissioners in reviewing emails for record retention purposes.
- ED Binstock provided a COGEL 2025 introduction. The annual COGEL conference is being held in Atlanta, Georgia on December 7-10, 2025. Registration fees have increased but the Commission can still take advantage of early bird pricing. Organizations cannot book hotel rooms at discounted rates without first registering attendees. Commission staff recommend registering 3 individuals to take advantage of early bird pricing. Registrant names can be changed as needed. Commissioners should let staff know of their interest and availability in attending.

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

SB 2004: SB 2004 as amended by the House was returned to the Senate. The Senate did not concur, and the bill will proceed to a conference committee. The Senate conferees were appointed but the House has not yet appointed conferees to the conference committee. The Commission has outlined the FTE, workload increase and removal of the 180-day limitation as priorities.

HB 1601: HB 1601 would have precluded the Office of the Attorney General from refusing to appoint a special assistant attorney general or revoking the appointment of a special assistant attorney general by a constitutional office holder. HB 1601 passed the House earlier this session. HB 1601 was then amended to include the Ethics Commission. HB 1601 received a Do Pass recommendation out of committee. However, HB 1601 failed on the Senate floor.

HB 1469: HB 1469 requires yearly financial disclosures. HB 1469 has been approved by both the Senate and House as amended and is heading to the Governor's desk.

6. **Discussion of Proposed Travel Disclosure Rules:** General Counsel Carpenter provided an update on the proposed travel disclosure rules. The current proposed fines came from the current statute for campaign finance. The legislature is currently considering a bill to amend those numbers, but it is still going through the process. Subsection 4 was added to the draft rules to have a placeholder regarding an individual intentionally not filing a travel disclosure statement. Commissioners proposed having those fines stay in parallel with the statute and waiting to see what happens with the bill amending those numbers.

Motion: Commissioner Sagsveen moved to amend subsection 4 of the draft so that if there is a knowing violation of the travel disclosure rules the Commission may charge and collect its expenses in the investigation of a complaint. The motion was seconded by Commissioner Goodman. 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 10:05 a.m. to discuss Complaint Nos. 25-058, 25-063, 25-064, 25-065, and 25-066. 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 10:28 a.m. and all participants returned to the regular meeting.

During the Executive Session, the Commission discussed Complaint Nos. 25-058, 25-063, 25-064, 25-065, and 25-066.

After Executive session, the following motions were made:

Motion: Commissioner Lindquist moved to Direct Executive Director Binstock to summarily dismiss Complaint No. 25-058 for failing to comply with N.D.C.C. § 54-66-01(2) and the Commission's rules. The motion was seconded by Commissioner Goodman. 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 No. 25-063 for a lack of personal jurisdiction. The 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. 25-064 for a lack of subject matter jurisdiction. The 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 No. 25-065 for a lack of personal jurisdiction. The 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 Sagsveen moved to Direct Executive Director Binstock to summarily dismiss Complaint No. 25-066 for a lack of subject matter jurisdiction. The 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 Meeting Dates July 2025 – December 2025:** The Commission discussed regular meeting dates for the remainder of 2025 and selected the following dates:

July 16

August 27

September 17 at UND Law School

October 15

November 19

December 17

9. **Adjourn:** Having no further business, the meeting was adjourned at 10:41 a.m. The next regular meeting is scheduled for May 6 & 7, 2025, at 9:00 a.m., in-person and livestreamed with MS Teams.

Approved on 5/7/25



Rebecca Binstock, Executive Director, North Dakota Ethics Commission