

North Dakota Ethics Commission Regular Meeting

Minutes of September 27, 2023

MS Teams

1. **Call to Order:** The meeting was called to order by Chair Paul Richard at 9:10 a.m. The following members of the Ethics Commission were also present: Vice Chair Dave Anderson, Commissioners Ward Koeser, Cynthia Lindquist, and Ron Goodman, as well as Executive Director Rebecca Binstock, Special Assistant Attorney General Patricia Monson, General Counsel Logan Carpenter, Office Manager Holly Gaugler, and Executive Assistant Alisha Huizenga.
2. **Agenda Additions:** No additions were made.
3. **Approval of Minutes:** The Commission discussed meeting minutes from August 23, 29, and 30. No changes were made.

Motion: Commissioner Koeser moved to approve meeting minutes from August 23, 29 and 30, 2023. Motion was seconded by Commissioner Lindquist. Chair Richard called for a voice vote. The motion was approved by unanimous voice vote.

4. **Executive Director Update:**

- Office Manager Holly Gaugler provided a budget update through the end of August 2023 for the 2023-25 biennium budget. She noted the following totals: current appropriations for the 2023-2025 biennium is \$1,149,181.00, expenditures in August were \$39,968.89, total expenditures for the current biennium have been \$67,588.25, leaving a remaining appropriation for the 2023-2025 biennium of \$1,081,592.75. She advised the most notable expense for this past month was the conference table purchase of \$5,340.

Gaugler also advised on projection changes due to the addition of new staff Mr. Carpenter and Ms. Huizenga. Gaugler presented an estimated ending balance for the biennium on June 30, 2025, at \$26,434.75, explaining this amount will fluctuate as the Commission proceeds through the biennium. Commissioner Goodman questioned the subscription fees for legal software projection, noting the amount appeared high. Executive Director Binstock explained that is the total for 2 years, which breaks down to around \$3,000 per year or \$250 per month. She explained this allows for account access for herself, Mr. Carpenter, and Ms. Huizenga. She also advised this was the minimum legal subscription that covered ethics resources, secondary sources, and ethics opinions noting the importance of this niche to our office. Chair Richard also noted there was not a subscription we could use through the Attorney General's office anymore since we have our own General Council.

- ED Binstock introduced Executive Assistant Alisha Huizenga, advising she started on Monday, September 25th. She noted her experience as an Executive Assistant at Missouri Slope Area Wide United Way and DistributionNOW. The Commission went around and gave introductions to Ms. Huizenga.

ED Binstock advised that Ms. Gaugler has been conducting onboarding with Ms. Huizenga over the past few days and will continue to do so in the coming weeks. Ms. Gaugler will continue to work with the Ethics Commission until Ms. Huizenga is fully up-to-date.

- ED Binstock provided an update on the appointment of new Commissioners. ED Binstock was informed the Senate Majority Leader, Senate Minority Leader, and Governor met on September 8, 2023, regarding the appointments. She has been informed that a new commissioner has not yet been selected. Both Commissioner Lindquist and Commissioner Goodman's terms expired on August 31, 2023. However, pursuant to the Ethics Commission Internal Code of Ethics, both Commissioners' terms will continue until appointment of a replacement.

Commissioner Lindquist advised she sent a message to the Governor's Office Chief of Staff requesting to extend her appointment for one more year. She advised she will be in Bismarck this week and will provide a letter in hand to their office supporting the email request.

- ED Binstock provided a reminder on the COGEL Annual Conference, taking place in December. She requested the Commission let herself or Ms. Huizenga know if they would like to attend the Annual COGEL Conference. The Commission has funding set aside for 2-3 staff and/or commissioners to attend.

Chair Richard, Commissioner Koeser, and Commissioner Anderson all advised they would not be able to attend. Commissioner Lindquist advised she would be interested in attending, pending her status as a commissioner.

Chair Richard advised he understood there was no option to listen to some of the sessions online during or after the conference. ED Binstock confirmed that was correct, but COGEL started doing online roundtables that we may be able to attend in the future. She requested the commissioners let staff know if they are not receiving these notifications so we can ensure they receive them in the future.

Chair Richard advised his concerns with COGEL being that they do not make their programming available to view at your leisure which then requires individuals to travel and inquire a cost. He recommended we look into other groups such as the American Bar Association or other ethics organizations where it would be more user friendly to access content.

- Executive Director Binstock provided an update to the Commission on education and outreach initiatives. On September 21, 2023, ED Binstock, GC Carpenter, and Ms. Gaugler held a brainstorming session on how to tackle the Commission's Strategic Initiative #1: Education & Communication. The result of that session was an Educational Initiative, which identifies methods that reach the key stakeholder groups: (1) North Dakota residents, (2) public official and candidates, (3) lobbyists, and (4) political committees.

ED Binstock believes there are two primary steps the Commission needs to take before implementing an Educational Initiative: (1) conduct a survey and (2) establish a social media presence. She expressed that before implementing these methods, the Commission needs to gather information from the stakeholder groups to identify what information they already know, what information they think they know, and what information they would like to know. She would also like to gather feedback on how the stakeholder groups would prefer to receive information. ED Binstock explained she would like to move forward with a social media aspect in a measured fashion, starting with Facebook. The state does have a marketing department that helps agencies create these pages. GC Carpenter started to look how other ethics commissions communicate through social media and advised a lot of them do not post regularly but he will continue to look at what others do so we can incorporate other ideas.

ED Binstock advised the education initiative starts with an educational summit as a goal, but we are going to start at the base: updating our FAQ's and providing more information, answering more questions, having fast fact sheets, and having online training videos that are publicly accessible. She advised the state also has an education platform where we can have short videos and coordinate with OMB. She also advised we will continue to do in person presentations as well.

Commissioner Goodman advised when he met with the Governor and two senate leaders, each one of them ask him about an educational outreach component and what we are doing. He advised that indicates that our appointing authority is interested in our need to do educational outreach.

Commissioner Lindquist advised she thinks it is a great idea and the way of the world right now. She advised it also helps to support our work in general. She expressed having a social media presence would help us to educate in a different and better way.

Commissioner Ward expressed he has mixed feelings on social media as it would put the commission into a situation where people would be commenting on what the Commission is or is not doing.

Vice Chair Anderson advised the website should be our focus first. He suggested we need to stay away from social media as a marketing tool and ensure the focus is placed on it being a communication tool. He expressed that he would rather see the interaction happening on our website. He also advised the survey is a great idea but suggested it be re-organized in an easier way to allow for good response.

Chair Richard encouraged the commission to start with a refresh of our current content on our website and use YouTube to have videos embedded on our website. He advised on the importance of getting information out to our stakeholders and the public through our website refresh so people understand what we do, who can file a complaint, and how to file a complaint. He encouraged the use of webinars versus in person meetings.

Motion: Commissioner Goodman moved to authorize ED Binstock and Commission staff to create and maintain social media pages on social media platform(s) to further the Commission education and outreach initiative. Motion was seconded by Commissioner Koeser.

Chair Richard called for a roll call vote. The motion was approved by unanimous roll call vote.

Motion: Commissioner Goodman moved to authorize ED Binstock and Commission staff to conduct a survey to gather information from key stakeholder groups. Motion was seconded by Commissioner Lindquist. Chair Richard called for a roll call vote. The motion was approved by unanimous roll call vote.

5. **Administrative Rules Revision:** ED Binstock and GC Carpenter have been reaching out to public officials over the past few weeks to share the draft rule changes. Specifically, ED Binstock met with John Bjornson, Director of Legislative Council, in person regarding the draft proposed rule changes and requested his office review the changes and provide feedback. Emails then also went to general counsel in the governor's office, the state and local division within the attorney general's office, and legislative leadership with the proposed changes. As of today, ED Binstock has not received any feedback. ED Binstock believes this response is because the language of the amendment closely tracks the statutory language changes made during 2023 legislative session.

ED Binstock requested the Commission authorize ED Binstock to commence the rule making process pursuant to the Administrative Agencies Practices Act, N.D.C.C. 28-32. This process includes notice and comment periods before adoption of the amendments.

Motion: Commissioner Lindquist moved to Motion to commence the rule making process for the proposed rule changes to N.D.A.C. 115-02 and N.D.A.C. 115-05 (to correct typographical error). Motion was seconded by Vice Chair Anderson. Chair Richard called for a roll call vote. The motion was approved by unanimous roll call vote.

6. **Strategic Plan Discussion:** ED Binstock addressed the 2023-2025 Strategic Plan, requesting any additional changes or feedback based up Commissioner input. It was the intention of ED Binstock to request the Commission formally adopt the Strategy Plan at the October meeting when the new Commissioner(s) were appointed and onboard. ED Binstock recommends the Commission adopt a Strategic Plan during the October meeting irrespective of appointments.

Chair Richard requested the commission take another look at the strategic plan and let ED Binstock know of any additional feedback. No Commissioners had feedback at this time. The decision was made to adopt the Strategic Plan during the October meeting.

7. **Executive Session:** The Commission entered executive session during the general meeting at 10:31 a.m. to discuss Complaint Nos. 22-003 through 22-0010, and 23-011 information regarding the content and parties to a complaint to the Ethics Commission is confidential. The following participants entered the executive session: Chair Paul Richard, Vice Chair Dave Anderson, Commissioners Ron Goodman, Ward Koeser, and Cynthia Lindquist, Special Assistant Attorney General Pat Monson, Executive Director Rebecca Binstock, General Counsel Logan Carpenter, Office Manager Holly Gaugler, and Executive Assistant Alisha Huizenga. Executive Session ended at 11:19 a.m. and all participants returned to the regular meeting. During the Executive Session, the Commission discussed Complaint Nos. 22-003

through 22-0010, and 23-011. Discussion was informational only and no action was taken by the Commission.

8. **Adjourn:** Having no further business, the meeting was adjourned at 11:20 a.m. The next regular meeting is scheduled for October 25, 2023, at 9:00 a.m., livestreamed with MS Teams.

Approved on _____

Rebecca Binstock, Executive Director, North Dakota Ethics Commission