

North Dakota Ethics Commission Regular Meeting

Minutes of March 27, 2024

MS Teams

1. **Call to Order:** The meeting was called to order by Chair Paul Richard at 9:00 a.m. The following members of the Ethics Commission were also present: Vice Chair Dave Anderson, Commissioners Ward Koeser, Cynthia Lindquist, and Ron Goodman, Executive Director Rebecca Binstock, General Counsel Logan Carpenter, and Operations Administrator Alisha Maier.
2. **Agenda Additions:** No additions were made.
3. **Approval of Minutes:** The Commission discussed regular meeting minutes from February 28, 2024, and special meeting minutes from March 11, 2024.

Motion: Vice Chair Anderson moved to approve regular meeting minutes from February 28, 2024, and special meeting minutes from March 11, 2024. 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:**
 - Operations Administrator Alisha Maier provided a budget update through the end of February 2024 for the 2023-25 biennium budget. She noted the following totals: current appropriation for the 2023-2025 biennium is \$1,155,297, expenditures in January were \$39,519, total expenditures for the current biennium have been \$348,663, leaving a remaining appropriation for the 2023-2025 biennium of \$806,632. OA Maier presented an estimated ending balance for the biennium on June 30, 2025, at \$15,651, explaining this number will fluctuate as we move through the biennium. EA Maier noted the operations administrator and general counsel salary lines in the projections were increased due to contributions in the defined benefit plan increasing by 1% effective Jan 2024, because of HB 1040.
 - ED Binstock provided an update on the online forms project. ED Binstock had planned to have drafts completed for the Commissions review at this meeting,

but other matters took priority, and approval of the forms will be pushed to the April meeting.

- ED Binstock provided an update to the Commission on internships. Offers had previously been made to two applicants but they had already accepted other opportunities. Another offer was extended to a student at UND School of Law and is currently awaiting a response. If the individual does not accept the position, then the Commission will likely not have a summer extern this year.

ED Binstock advised in April, the Commission will be focusing on the legislative internship position and discussing funding for that position. OMB also has a grant matching internship program staff will look into.

- ED Binstock provided an update to the Commission on education and outreach initiatives. Operations Administrator Maier worked with NDIT to add a public input tab to the Commission's website. The tab allows members of the public to provide input on proposed rule changes.

ED Binstock presented the education and outreach events for March and April:

March 14, 2024, Webinar: The Commission's first webinar series on the historical exploration of ethical conflicts in North Dakota had roughly 168 individuals who attended the webinar. Attendees included North Dakota residents, lobbyists, elected officials, agency heads, as well as board and commission members.

March 16, 2024: ED Binstock presented at Civics West's inaugural Fireside Community Chat in West Fargo. This event focused on community engagement and how ethics commissions and community members can work together to increase accountability.

March 21, 2024: GC Carpenter presented to Inns of Court in Bismarck to local attorneys. This presentation was a Q&A session on what it is like to be general counsel to the Ethics Commission.

March 28, 2024, Webinar: The Commission's second webinar on practical application of conflict rules will walk through the rulemaking process. Roughly 200 individuals are registered for this event.

April 9, 2024: ED Binstock will teach Ethics in Government lessons at Dickinson High School in Dickinson, North Dakota.

ED Binstock advised Commission staff has tentatively decided to hold another webinar series in May focusing on the complaint process.

- ED Binstock provided a recap to the Commission on the Strategy Review. The Commission's Strategic Review meeting with the Office of the Governor was held on March 13, 2024. Much of the conversation focused on building a culture of integrity, developing inter-agency relationships, and collaborating with other agencies to develop case management and filing solutions. ED Binstock also presented the FTE request for 2025-2027 in the Strategy Review with an additional 1 FTE for an educational administrator, 1 temporary employee to potentially assist with rules revisions, and 1 contractor for investigative services.

5. **Presentation by John Boyle, Facilities Management Division Director:** John Boyle presented an update on the progress made by the Office of Management and Budget in addressing leasing and construction issues. If a state agency or board or commission needs space, they make the request with OMB. Until last legislative session, agencies were to find their space and negotiate the lease, but the execution portion was completed by the director of OMB. The lease would first be reviewed by the assigned Special Assistant Attorney General and then come to the Director of OMB for review. There are no procurement rules regarding how to obtain space. OMB is currently working on these rules that are due by August 2024.

Director Boyle advised OMB has reclassified 2 custodial positions to obtain a leasing manager and a construction manager to assist agencies with tenant and/or construction build outs. OMB has also created a flow chart to assist agencies in communicating with OMB throughout the process of obtaining space. The flow chart was provided and explained to the Commission.

6. **Discussion of Potential Financial and Travel Requirements for Public Officials:** ED Binstock provided an update on potential financial and travel requirements for public officials. Since the Commission's February meeting, ED Binstock has communicated with Legislative Council and the Office of the Auditor to receive feedback on these draft proposed rules. The Office of the Auditor will be meeting with ED Binstock and GC Carpenter to share feedback or provide a letter with feedback. ED Binstock and GC Carpenter are also meeting with Legislative Council to discuss those rules.
7. **Executive Session:** The Commission entered executive session during the general meeting at 10:53 a.m. to discuss Complaint Nos. 22-003, 22-004, 22-005, 22-006, 22-007, 22-008, 22-009, 22-010, 23-006, 23-007, 24-001, and 24-009. 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 Ward Koeser, Cynthia Lindquist, and Ron Goodman, Special

Assistant Attorney General Pat Monson, Executive Director Rebecca Binstock, General Counsel Logan Carpenter, and Operations Administrator Alisha Maier.

SAAG Monson left Executive Session at 11:26 a.m. and was only in attendance during the discussion of complaint Nos. 22-003 – 22-010.

Commissioner Goodman left Executive Session at 11:40 a.m. and was not in attendance during the discussion of complaint No. 24-001.

Executive Session ended at 11:45 a.m. and all participants, except for Commissioner Goodman and Special Assistant Attorney General Pat Monson, 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, 23-006, 23-007, 24-001, and 24-009.

Motion: Commissioner Koeser moved to direct ED Binstock to summarily dismiss Complaint Nos. 23-006, 23-007, and 24-009. Motion was seconded by Vice Chair Anderson. Chair Richard called for a roll call vote. The motion was approved by unanimous roll call vote.

Motion: Commissioner Lindquist moved to direct ED Binstock to proceed as directed during executive session regarding Complaint Nos. 22-003 – 22-010. Motion was seconded by Commissioner Koeser. Chair Richard called for a roll call vote. The motion was approved by unanimous roll call vote.

8. **Adjourn:** Having no further business, the meeting was adjourned at 11:48 p.m. The next regular meeting is scheduled for April 24, 2024, at 9:00 a.m., livestreamed with MS Teams.

Approved on  4/24/2024

Rebecca Binstock, Executive Director, North Dakota Ethics Commission