



North Dakota Ethics Commission Regular Meeting

Minutes of September 25, 2024

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 Paul Richard, 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 August 28, 2024.

Motion: Commissioner Richard moved to approve regular meeting minutes from August 28, 2024. 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 August 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 August were \$45,986, total expenditures for the current biennium have been \$605,391, leaving a remaining appropriation for the 2023-2025 biennium of \$549,906. OA Maier presented an estimated ending balance for the biennium on June 30, 2025, at \$9,927, explaining this number will fluctuate as we move through the biennium.
 - Executive Director Rebecca Binstock provided an update on the online forms project. The online forms project with NDIT is now complete. Forms are now available to be submitted directly through links on the Commission's website.

- ED Binstock provided an update to the Commission on education and outreach initiatives. Commission staff have been preparing for legislative session and will be focusing on educating individuals. Commission staff will also be reaching out to university and college professors for educational presentation opportunities. ED Binstock will be participating in a panel discussion at UND Law School in October as part of its Professional Foundations course.
- ED Binstock provided an update to the Commission on the COGEL Conference. The Annual COGEL Conference takes place in December 2024 and early bird registration closes on October 31, 2024. Commissioners should let ED Binstock or OA Maier know if they would like to attend the conference.
- ED Binstock provided an update to the Commission on the report to the Judiciary Committee. Section 4 of Senate Bill No. 2024 requires the Ethics Commission to provide this report. ED Binstock also provided the committee with a quick overview of the proposed legislation that the Ethics Commission is looking into for the 2025 session as well as answered questions related to completion time for complaints. Chair Anderson, GC Carpenter, and OA Maier also attended the meeting.
- GC Carpenter provided an update to the Commission on policies and procedures. There is no current neutral reviewer under the Commission's conflict of interest rule for Commission staff. The recommended policy designates the neutral reviewer for Commission staff as the Executive Director in consultation with the Chair. The policy also designates the remaining Commissioners, without a potential conflict of interest as the neutral reviewer for a commissioner or the Executive Director.

Motion: Vice Chair Koeser moved to adopt the Neutral Reviewer Policy to be included in the Commission's Internal Policies & Procedures. Motion was seconded by Commissioner Lindquist. Chair Anderson called for a roll call vote. The motion was approved by unanimous roll call vote.
- ED Binstock provided an update to the Commission on advisory opinion request 24-01. The Commission received a request for advisory opinion on September 3, 2024. ED Binstock consulted with Chair Anderson to determine whether the Commission will issue an advisory opinion and to determine whether the names of persons in the opinion and request are open or closed records due to the context of the facts in the requested opinion. Chair Anderson and ED Binstock

determined the Commission would issue an opinion and that the names of persons in the opinion and request will be closed records. Moving forward, the Commission will use generic terms to not reference specific individuals. The requestor was notified on September 10, 2024. This advisory opinion will be issued on or before December 9, 2024.

- ED Binstock provided an update to the Commission on the process to appoint a commissioner. Of the 29 commissioner applicants, 5 were chosen to move forward to the interview process. 2 of the 5 individuals withdrew their applications, leaving 3 to be interviewed. At the September 24, 2024 meeting, the committee unanimously selected Murray Sagsveen to serve the remainder of Commissioner Richard's term with an effective date of appointment of October 1, 2024. Mr. Sagsveen was in attendance during the Commission meeting and was welcomed by the Commissioners and staff.

5. **Discussion of Legislative Proposals:** ED Binstock reminded the Commission of the 5 legislative proposals that were approved at the August 28, 2024 meeting. ED Binstock advised that today's meeting would focus on reviewing draft legislation and companion rules related to the following proposals: The Enforcement Action Process, Criminal Penalty for Gifting Violation, and Lobbying by Elected Officials.

The Enforcement Action Process: Commissioners were provided with draft proposed legislation, companion ethics rules, and an enforcement action flow chart in relation to the enforcement action process. ED Binstock advised Commission staff will be meeting with Legislative Council and legislators to go over this process and to get feedback. GC Carpenter shared a PowerPoint presentation and walked through the process with the Commission. The Commission discussed the process, provided feedback, and voiced approval for Commission staff to move forward with the process. ED Binstock advised the PowerPoint presentation would be provided to the Commissioners.

Criminal Penalty for Gifting Violation: ED Binstock recommended the Commission authorize Commission staff to send a letter to Legislative Leadership & Management requesting they review the need to pass laws for violation of Article XIV, §2(1) and §2(4). Commissioners requested ED Binstock have the draft letter ready for review at the October meeting.

Lobbying by Elected Officials: GC Carpenter advised in order to add the word “elected” to the caption of N.D.C.C. § 54-66-13, Commission staff confirmed with Legislative Council that a bill should be introduced.

Campaign Finance and Electioneering: ED Binstock advised that during a recent meeting, the Secretary of State’s Office expressed an interest in addressing some campaign finance electioneering legislation and asked if the Commission would work alongside them and legislators to come up with legislation. The Commissioners provided verbal approval for staff to participate in these discussions.

6. **Discussion of Travel Disclosure Rules and Financial Disclosure Rules:** Commissioners were provided with draft copies of the travel disclosure rules and financial disclosure rules.

Travel Disclosure Rules: ED Binstock advised that GC Carpenter has made changes as requested by the Commission at its August meeting. The most notable changes relate to the filing date for reports. Commission staff submitted a request with NDIT to review the possibility of creating a fillable online form that can be submitted through the website where the submissions could then be searchable. OA Maier advised that NDIT came back with an estimate of around \$1,300 and a timeframe of 2 to 4 weeks for completion of the form. Each form submitted would then have to be approved by Commission staff before being publicly available. The Commissioners provided approval to move forward with the form creation.

Financial Disclosure Rules: ED Binstock advised that Chair Anderson, ED Binstock, and GC Carpenter met with the Secretary of State and key staff members regarding legislation to allow the Secretary of State to receive financial disclosure statements. At the meeting, the Secretary of State proposed including the filing of financial disclosure statements in legislation. This would effectively place the law requiring disclosure of financial interests for individuals after they are elected and appointed in statute instead of in the Commission’s rules.

Motion: Commissioner Richard moved to approve the pursuit of a legislative option for financial disclosure statements and directed that ED Binstock and staff communicate that decision to the Secretary of State and work alongside the Secretary of State. 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 11:17 a.m. to discuss Complaint Nos. 22-003, 22-004, 22-005, 22-006, 22-007, 22-008, 22-009, 22-010, 24-013, 24-023, 24-025, 24-028, and 24-029. 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 Ward Koeser, Commissioners Cynthia Lindquist, Ron Goodman, and Paul Richard. Executive Director Rebecca Binstock, General Counsel Logan Carpenter, and Operations Administrator Alisha Maier. Chair Anderson also advised that Special Assistant Attorney General Patricia Monson would be joining a portion of Executive Session.

Special Assistant Attorney General Patricia Monson was only in attendance during the discussion of complaint Nos. 22-003 through 22-010.

Executive Session ended at 11:58 a.m. and all Commissioners and staff 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, 24-013, 24-023, 24-025, 24-028, and 24-029.

Motion: Vice Chair Koeser moved to direct ED Binstock to proceed as directed in executive session regarding Complaint Nos. 22-003 through 22-010. 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 ED Binstock to summarily dismiss Complaint No. 24-025 for lack of subject matter jurisdiction. Motion was seconded by Commissioner Richard. Chair Anderson called for a roll call vote. The motion was approved by unanimous roll call vote.

- 8. Further Business:** ED Binstock advised the Commission has previously discussed potentially holding the October meeting in person. ED Binstock would like the Commission to consider holding the meeting at the UND Law School to allow students and members of the public on the eastern side of the state an opportunity to attend an Ethics Commission meeting. Students would be able to ask the Commissioners questions after the meeting and it

would be an excellent educational opportunity for students. The Commissioners agreed to pursue the option and advised Commission staff to look into further logistics to see if this could work.

9. **Adjourn:** The meeting was adjourned at 12:13 p.m. The next regular meeting is scheduled for October 23, 2024, at 9:00 a.m., livestreamed with MS Teams and potentially in person at UND Law School.

Approved on 10/23/24



Rebecca Binstock, Executive Director, North Dakota Ethics Commission