

North Dakota Ethics Commission Meeting

Minutes of April 21, 2021

Live Stream MS Teams

1. The meeting was called to order by Chair Ron Goodman, at 9:07 a.m. The following members of the Ethics Commission were present: Ron Goodman, Cynthia Lindquist, Paul Richard, Ward Koeser and David Anderson. Also present were Ethics Commission legal counsel Allyson M. Hicks, Executive Director Dave Thiele, and Office Manager Holly Gaugler. Also present was Karilynn Berger, Information Technology Program Administrator for NDIT.
2. The agenda was discussed for this meeting with no additions.
3. The minutes of the 24 February 2021 meeting were discussed with no changes.

Motion: Commissioner Anderson moved to approve the minutes of February 24, 2021 with no corrections. Motion was seconded by Commissioner Koeser. Chair Goodman called for a voice vote on the motion. The motion was approved by unanimous voice vote.

4. Executive Director Dave Thiele reported a total of 22 event requests to date and a substantial number of questions from various public officials and entities. He also provided a current update on legislative bills: HB 1024, HB 1043, HB 1295, HB 1451, SB 2034 and HCR 3010. He explained the final passed version of the Commission's substantive bill, HB 1043, provides authority for advisory opinions by the Commission. Nonresident and anonymous complaints were not allowed but if evidence of a crime is submitted, it allows the Commission to refer the evidence to the appropriate agency. Subpoena power was also stripped from the bill, however, it does provide authority to the Commission to request documents and testimony. HB 1295, a ND Secretary of State bill, also passed which changed the ability to assess certain civil penalties with flexibility in amount of civil penalties assessed from the Secretary of State to the Ethics Commission. The Commission's budget bill, HB 1024, has not yet been resolved in conference committee with the House version currently at \$499K and the Senate version at \$623K. He also reported that SB 2034 was passed with identical language authorizing advisory opinions as in HB 1043, and HB 1451 and HCR 3010 had failed.
5. Office Manager Holly Gaugler provided a budget update as of March 31, 2021. Gaugler reported March 2021 expenditures of \$21,673 and biennium to date expenditures of \$364,968 with a remaining budget of \$152,187. Gaugler also reported projected expenditures for the remainder of the biennium (April 1, 2021 through June 30, 2021) at an estimated \$82,699 which would leave a potential ending balance of \$69,488 on June 30, 2021. This included projections of \$15,000 in expenditures which appear unlikely to be expended mainly due to COVID-19 restrictions which would bring the approximate ending balance amount to \$85,000 on June 30, 2021.

6. Executive Director Thiele provided an overview of all changes to the Commission's existing complaint and gift rules to harmonize with the 2021 legislative changes. Legal Counsel Allyson Hicks reminded the Commission that rules may be changed at this time, however, law changes do not take effect until August 1, 2021. Due to feedback from legislators and lobbyists, Thiele also presented a proposal to change gift rules to include a "coffee, tea, donut de minimis rule" of \$10. The Commission discussed and agreed to review both rules and proposed changes for finalization at the May meeting. Commissioner Paul Richard will work with Executive Director Thiele and legal counsel Hicks to specifically integrate the proposed de minimis gift rule for the Commission at the May meeting.
7. The Commission discussed ND Constitution Article XIV Section 2(5). The Commission has the remainder of calendar year 2021 to create applicable rules. The Commission decided that Chair Goodman, legal counsel Hicks and Executive Director Thiele would begin background research and look at definitions as a starting point to drafting rules.

Commission, having no further business, was adjourned at 11:10 a.m. The next meeting is scheduled for May 26, 2021 at 9:00 a.m. by MS Teams.

Approved on 26 May 2021 

Dave Thiele, Executive Director, North Dakota Ethics Commission