

North Dakota Ethics Commission Meeting

Minutes of August 25, 2021

Live Stream MS Teams

1. The meeting was called to order by Chair Ron Goodman, at 9:00 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.
2. The agenda was discussed for this meeting with no additions.
3. The minutes of the 28 July 2021 meeting were discussed with no changes.

Motion: Commissioner Koeser moved to approve the minutes of July 28, 2021 with no corrections. Motion was seconded by Commissioner Lindquist. Chair Goodman called for a voice vote on the motion. The motion was approved by unanimous voice vote.

4. Office Manager Holly Gaugler provided a budget update as of July 31, 2021. This was the beginning of the new 2021-23 biennium budget with total appropriations of \$623,984 as approved by the 2021 Legislature's House Bill 1024. Gaugler reported July 2021 expenditures of \$21,784 with a remaining budget of \$602,200. Gaugler also reported projected expenditures for the remainder of the biennium (August 1, 2021 through June 30, 2023) at an estimated \$582,219 which would leave an approximate ending balance of \$19,981 on June 30, 2023. Gaugler advised the Commission that the ending balance would likely rise as the Commission continues to have MS Teams virtual meeting rather than in-person meetings.
5. Executive Director Thiele discussed the finalization of the revised gift rules. He provided the revised rules to Legislative Council for update to ND legislators to include the new \$10 gift rule exception. Thiele reminded Commissioners that the Commission's travel budget did include funding for travel to the annual COGEL conference in Denver, December 5-7, 2021. He also informed the Commission that information was still being gathered on public official conference expenses and that new meeting notices continue to be received.
6. Executive Director Thiele walked the Commission through the final draft of the advisory opinion process. No new changes to that draft were made by the Commission. The Commission asked that it be published on the Ethics Commission website.

Motion: Commissioner Richard moved to approve the advisory opinion process for publication as presented by Executive Director Thiele. This motion was seconded by Commissioner Lindquist. Chair Goodman called for a roll call vote. The motion was passed unanimously.


7. Executive Director Thiele briefed the board that he had received a complaint since the last meeting but under the Executive Director's authority had dismissed it as the complaint had been against a board that had acted fully under its authority. No appeal had been requested by the complainant. Thiele also briefed the Commission that he appeared before the newly formed Clean Sustainable Energy Authority which is a subset to the ND Industrial Commission to discuss gift rules and preliminary conflict of interest rules and issues.
8. Executive Director Thiele advised the Commission that the Government Administrative Interim Committee is meeting on September 14th to discuss space requirements for state agencies. He will be testifying on behalf of the Ethics Commission to discuss the Commission's needs. The Commission agreed upon the following policy points:
 - a. Location at the capitol would not provide the needed level of privacy and independence and was not supported as an option
 - b. If located within the same building (excluding the capitol) with another state agency, an entrance with a degree of privacy would be required
 - c. A minimum of 300 sq ft total for two offices
 - d. Access to a conference/board room available for Commission meetings was preferred.
9. The Commission discussed the draft Request for Attorney General's Opinion as presented by Executive Director Thiele.

Motion: Commissioner Koeser moved to approve the Request for Attorney General's Opinion as presented by Executive Director Thiele. This motion was seconded by Commissioner Anderson. Chair Goodman called for a roll call vote. The motion was passed unanimously.

10. The Commission further discussed the draft conflict of interest rules led by Commissioner Richard. Richard expressed concern that the definition of "conflict of interest" in 115-04-01-01 did not clearly define conflicts of interest in personal relationships. The Commission agreed to change the wording in 115-04-01-01 (1)c from "commitment" to "relationship".

Commission, having no further business, was adjourned at 9:52 a.m. The next meeting is tentatively scheduled for September 22, 2021 at 9:00 a.m. by MS Teams.

Approved on 20 Oct 2021

 Dave Thiele, Executive Director, North Dakota Ethics Commission