

November 9, 2023

**\*CONFIDENTIAL\***

*Via mail and email*

Mr. Joel Heitkamp

Joel.heitkamp@mwcradio.com

Re: Criminal Referral of Complaint No. 22-008

Dear Mr. Heitkamp:

For the past several months, the Ethics Commission ("Commission") has been investigating the complaint you filed against Representative Jason Dockter. Under North Dakota law, the Commission must refer a complaint to the appropriate law enforcement agency if the Commission believes its investigation, based on the contents of the complaint, has revealed allegations of potential criminal conduct. See N.D.C.C § 54-66-08(2).

At this time, the Commission's investigation has given rise to a belief that your complaint contains potential criminal allegations, necessitating a criminal referral to the Burleigh County State's Attorney. Therefore, the Commission has referred the matter for review by a state's attorney. The Commission does not determine whether criminal charges will be brought. This determination must be made by the reviewing state's attorney.

Although the Burleigh County State's Attorney is the agency with jurisdiction, the Commission is aware a conflict with that office exists and requested the matter be referred to an independent and unconflicted entity. The Commission has been informed by Burleigh County State's Attorney Julie Lawyer that McLean and Sheridan County State's Attorney, Ladd Erickson, has agreed to review the referral.

While the matter is being reviewed by Mr. Erickson, the Commission cannot take any further action on your complaint. Once the criminal referral is complete, the Commission will complete its investigation of your complaint.

Pursuant to N.D.C.C. § 54-66-12(1), this letter notifying you of the referral is a confidential record as defined in N.D.C.C. § 44-04-17.1. If you have any questions or concerns during this process, please contact the Commission's office.

Sincerely,



Rebecca Binstock  
Executive Director, North Dakota Ethics Commission