

March 4, 2024

CONFIDENTIAL

Via Email Only

The Honorable Drew Wrigley
Attorney General
Office of the Attorney General
dwrigley@nd.gov

RE: Complaint Nos. 22-003 – 22-010 Request for Records

Dear Attorney General Wrigley:

The North Dakota Ethics Commission ("Commission") has been made aware the Office of the Attorney General has recovered electronically stored information related to former Attorney General Wayne Stenehjem. This information is pertinent to several open and active investigations and was previously presumed unrecoverable. The investigations share one commonality—the Office of the Attorney General—both tangentially and directly. The Commission is conducting one of these investigations into cost overruns associated with a building the Office of the Attorney General leases.

Specifically, the Commission has learned your office recovered electronically stored communications from personal devices of former Attorney General Wayne Stenehjem. The Commission previously requested North Dakota Information Technology produce these records and was informed recovery efforts had failed. As the current holder of these crucial government records, the Commission renews its request to your office. Therefore, at this time, the Commission requests any and all electronically stored communications and documents to and from former Attorney General Wayne Stenehjem your office has in its possession.

The Commission requests you provide these records in unredacted form within forty-eight hours due to concerns regarding ongoing potential conflicts of interest within the Office of the Attorney General, maintaining the integrity of the records, notable delays in this matter, and in the interest of full transparency. In the future, if the Office of the Attorney General receives or discovers additional records fitting this request, please provide them to the Commission within a timely fashion.

The Commission's request for these records falls under N.D.C.C. § 54-66-08(3) because it is related to an ongoing Commission investigation. If any of these records are confidential pursuant to state law, they will remain confidential in the possession of the Commission. See N.D.C.C. § 44-04-18.10(5) ("Confidential records that are authorized by law to be disclosed to another entity

continue to be confidential in the possession of the receiving entity, except as otherwise provided by law.”).

Pursuant to N.D.C.C. § 54-66-12(1), this communication and any information related to an investigation are confidential records as defined in N.D.C.C. § 44-04-17.1 as it is made to conduct an investigation arising from a complaint.

Sincerely,



Rebecca Binstock
Executive Director, North Dakota Ethics Commission

Cc: Claire Ness, Deputy Attorney General
Logan Carpenter, General Counsel, Ethics Commission
Pat Monson, Special Assistant Attorney General, Ethics Commission
Ladd Erickson, Special Assistant Burleigh County State's Attorney