

CONFIDENTIAL

Via Email Only

October 23, 2023

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

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

Dear Attorney General Wrigley:

Thank you for making time to meet last week regarding this matter. I am writing to follow up on requests made during that discussion related to the above referenced complaints filed with the Ethics Commission ("Commission"). Specifically, the Commission seeks information, documents, and records currently maintained by your office.

Pursuant to N.D.C.C. § 54-66-08(3), the Commission renews its request for your office to direct Director Lonnie Grabowska and Ms. Becky Keller to make themselves available for interviews with the Commission as soon as practicable. We understand it is your position that before you will make your staff available for these interviews the matter will be reviewed by an independent state's attorney. As discussed during our meeting, the Commission respectfully disagrees with this position. Nonetheless, you indicated this could take place by November 17, 2023. We will contact your office at that time to inquire on the status of your staff's availability for interviews.

We also understand the Montana Division of Criminal Investigation created records for its investigation and subsequent report into the cost-overrun of the 1720 Burlington Drive building. The Commission formally requests your office produce the records created during that investigation to the Commission pursuant to N.D.C.C. § 54-66-08(3). During our meeting last week, you indicated you are not willing to provide those records to the Commission. The Commission again respectfully disagrees with that position. While state law requires the Commission to keep such records confidential should you choose to share them at this time, we recognize you are not willing to make those records available to the Commission until the independent prosecutorial review is completed. Accordingly, we will keep in touch with your office regarding you making these records available to the Commission in the near future.

In the interim, the Commission requests the following records which you indicated you would provide at this time: (1) Elizabeth Brocker's state emails; and (2) all records provided to the Office of the State Auditor for its investigative report to the Legislative Audit and Fiscal Review Committee dated September 27, 2022.

Thank you for your cooperation in this matter as the Commission continues its investigation. If you have any questions or concerns, please feel free to contact my office at your convenience.

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