



## **ETHICS COMMISSION PREHEARING ACKNOWLEDGMENT AND STIPULATION**

Complaint No(s)      22-003, 22-004, 22-005, 22-006, 22-007, 22-008, 22-009, and 22-010

Respondent            Representative Jason Dockter

The information provided below sets out the North Dakota Ethics Commission's ("Commission") process to resolve complaint matters once a report and recommendation has been completed.

### **Disclaimer**

The Commission's legal counsel, its executive director, and its staff represent the Commission and are not your attorney. No attorney-client relationship is formed by the Commission, its legal counsel, its executive director, or its staff discussing this complaint matter with you. The purpose of these discussions between you and the Commission, its legal counsel, its executive director, and its staff are to resolve the pending complaint matter. These communications are in no way subject to attorney-client privilege. If you need legal advice, please seek your own counsel.

### **Investigation – Report and Recommendation**

The Commission has completed its investigation of the complaint(s) filed against you. A written report and recommendation has been prepared for the Commission by the executive director with the assistance of Commission staff. The report and recommendation contains the findings of the investigation as required by N.D.C.C. § 54-66-09 and N.D. Admin. Code § 115-02-01-07.

The report and recommendation will be provided to you and your attorney in this matter (if applicable). The report and recommendation shall be provided "at least ten calendar days prior to any special or regular commission meeting at which the report and recommendation will be considered by the commission in executive session." N.D. Admin. Code § 115-02-01-08.

### **Investigation File – Record**

Throughout the investigation, Commission staff created a file containing the evidence used for the report and recommendation. The file may include recordings of witness interviews, documents, and other records. It will be organized and provided to you with the report and recommendation as authorized by North Dakota law.

The Commission's investigation file and any response you provide for the file will become the record for the complaint(s). If you would like to add files or documents to the record, please submit them as attachments with your written response to the report and recommendation. The record will reflect the additions were made by you as the respondent.

### **Written Response to Report and Recommendation**

You are permitted and encouraged to provide a written response to the report and recommendation. Any written response must be provided five days prior to the Commission meeting where the report

and recommendation is considered. N.D. Admin. Code § 115-02-01-08. The response must be submitted through the Commission's office and not directly to the Commission. *Id.*

The Commission understands additional time to respond may be necessary. If you need additional time, please send a written request to the Commission's office. The Commission's chair will determine whether to grant you additional time to respond. *Id.*

### **In-Person Response to Report and Recommendation**

You are also permitted and encouraged to provide an in-person response to the report and recommendation. If you are represented by an attorney in this matter, your attorney may accompany you. N.D. Admin. Code § 115-02-01-08(2). If you elect to respond in-person, you will receive instructions on how to appear physically or via reliable electronic means. Commission staff will work with you to identify a mutually agreeable date for any in-person response.

### **Service**

The report and recommendation will be provided to you in print copy and the investigation file will be sent to you electronically via the email address you provide to Commission staff. Your written response, attachments, or any other requests or communications may be sent via email to [ethicscommission@nd.gov](mailto:ethicscommission@nd.gov) or via mail to:

North Dakota Ethics Commission  
600 E Boulevard Ave, Dept 195  
Bismarck, ND 58505

### **Commission Meeting and Hearing on the Complaint(s)**

North Dakota law requires the Commission to hold the portion of the special or regular meeting where the report and recommendation is considered in executive session. N.D.C.C. § 54-66-09(1). The meeting will be audio recorded. It may be video recorded at the Commission's discretion or if taking place via reliable electronic means. If you will need special facilities, auxiliary aids, or assistance relating to a disability, please contact the Commission's office at least five days prior to the special or regular meeting.

During the special or regular meeting, the Commission will conduct a hearing on the complaint(s). The Commission's chair or the chair's designee "shall determine the order of presentations and the time allotted to the respondent." N.D. Admin. Code § 115-02-01-08(2). The Commission's chair or the chair's designee "shall also determine any other procedural matters necessary for an orderly conduct of the commission meeting." *Id.* The Commission's chair or the chair's designee reserves the ability to change the procedure and time allotted under the above rule. However, the standard procedure and allotted time is as follows:

- (1) Presentation by the executive director and Commission staff – 30 minutes

- (2) Presentation by the respondent – 45 minutes
- (3) Rebuttal by the executive director and Commission staff – 15 minutes

Commission staff will work with you to determine if additional time will be needed at the hearing. If you expect to call witnesses at the hearing, please provide a witness list at least five days before the special or regular meeting to the Commission's office.

The Commission will meet in executive session outside the presence of the executive director, Commission staff assisting the executive director with the investigation, the respondent, and the respondent's attorney (if applicable) to deliberate on the complaint(s). N.D. Admin. Code § 115-02-01-08. The Commission can and will consider the entire record, the report and recommendation, and any response provided by you as the respondent. The Commission is not "bound by the rules of evidence or procedure under North Dakota or federal law." N.D. Admin. Code § 115-02-01-10.

### **Finding of the Commission and Appeal Timeline**

The Commission will "determine whether a violation of article XIV of the Constitution of North Dakota, [N.D.C.C. ch. 54-66], or another law or rule regarding transparency, corruption, elections, or lobbying occurred." N.D.C.C. § 54-66-09; *see also* N.D. Admin. Code § 115-02-01-08(3). You will be notified of the Commission's determination. The Commission's determination may include imposing a penalty authorized by North Dakota law or a referral to the "agency with enforcement authority over the violation." N.D.C.C. § 54-66-09(2); N.D. Admin. Code § 115-02-01-08(3).

You may appeal a finding of the Commission to the district court of the county where you are a resident within thirty days after notice of the Commission's finding. N.D. Admin. Code § 115-02-01-09. As authorized by North Dakota law, the finding of an ethical violation and the record for the complaint(s) will become open records after this thirty-day timeline has concluded, or, if appealed, upon a determination by the district court affirming the finding of an ethical violation. N.D.C.C. § 54-66-12(1); N.D. Admin. Code § 115-02-01-09. If the Commission determines no ethical violation occurred, the complaint(s), the report and recommendation, any response by the respondent, and the record for the complaint(s) will remain confidential. N.D.C.C. § 54-66-12.

### **Certification**

I certify I have received, read, and understand the procedures outlined. I further agree to abide by the procedures and guidelines specified in the *Ethics Commission Prehearing Acknowledgment and Stipulation* above.

[Signature Page Follows]



**FOR THE RESPONDENT:**

JASON DOCKER REPRESENTATIVE DISTRICT 7  
Name and Title (Please Print)


  
Signature

4-1-25

Date

**FOR THE EXECUTIVE DIRECTOR:**

Rebecca Binstock, Executive Director, ND Ethics Commission  
Name and Title (Please Print)

  
Signature

4/1/2025

Date