

From: [Carpenter, Logan](#)
To: [Monte L. Rogneby](#)
Cc: [Maier, Alisha](#); [Chelsey J. Ternes](#); [Binstock, Rebecca](#); [pmonson@cmcpilc.com](#); [Chelsey J. Ternes](#)
Subject: RE: Request for Interview (CONFIDENTIAL)
Date: Monday, December 23, 2024 2:16:30 PM
Attachments: [image007.png](#)
[image009.png](#)
[image010.png](#)
[image008.png](#)

Good afternoon Mr. Rogneby,

Thank you for your questions. We absolutely will provide you a copy of the recording. We record our interviews so the respondent, Representative Dockter, has an opportunity to review and respond to anything said at the interview. It will also allow Mr. Schorsch and yourself to review what was said and determine if anything needs to be added or clarified. Please let me know whether Mr. Schorsch is willing to be recorded.

Mr. Schorsch does not need to return the confidential information form. I understand your concerns with it. The main reason the Commission provides it is to notify witnesses the Commission is sharing confidential information to conduct the interview and may use any information provided by the witness for the Commission's investigation. The Commission in no way wants to impede anyone's First Amendment rights.

Logan

From: Monte L. Rogneby <mrogneby@VogellLaw.com>
Sent: Monday, December 23, 2024 1:41 PM
To: Carpenter, Logan <locarpenter@nd.gov>
Cc: Maier, Alisha <amaier@nd.gov>; Chelsey J. Ternes <cternes@vogellaw.com>; Binstock, Rebecca <rebinstock@nd.gov>; pmonson@cmcpilc.com; Chelsey J. Ternes <cternes@vogellaw.com>
Subject: RE: Request for Interview (CONFIDENTIAL)

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Mr. Logan:

Mr. Schorsch is voluntarily appearing to be interviewed. I will discuss with him whether he will consent to being recorded. If he consents to be recorded, the Commission must agree to provide to us a copy of the recording, or consent to us also recording the interview. Alternatively, the Commission may choose to forgo recording.

The Commission, apparently, also claims that if Mr. Schorsch voluntarily appears, as a witness, he no longer has a First Amendment right to discuss his interview. Please provide to me your legal authority for the Commission claiming it may impose prior restraint on Mr. Schorsch, a non-party, concerning this matter. Certainly, Mr. Schorsch must have the ability to discuss this matter with other members of Stealth Properties. I do not believe Mr. Schorsch will agree to your confidentiality term. I do not believe it is appropriate or otherwise authorized by law. I am willing, however, to review any legal support which you believe supports your position.

I look forward hearing back from you.

Sincerely,

Monte L. Rogneby

Monte Rogneby | Attorney
200 North 3rd Street, Suite 201 | P.O. Box 2097 | Bismarck, ND 58501
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From: Carpenter, Logan <locarpenter@nd.gov>
Sent: Monday, December 23, 2024 1:24 PM
To: Monte L. Rogneby <mrogneby@VogellLaw.com>
Cc: Maier, Alisha <amaier@nd.gov>; Chelsey J. Ternes <cternes@vogellaw.com>; Binstock, Rebecca <rebinstock@nd.gov>; pmonson@cmcp LLC.com; Chelsey J. Ternes <cternes@vogellaw.com>
Subject: RE: Request for Interview (CONFIDENTIAL)

Good afternoon Mr. Rogneby,

No problem. Thank you for the information and your willingness to meet with us. We have received and reviewed the materials you provided to the Legislative Audit and Fiscal Review Committee. We will review them again before we meet.

Our SAAG for this matter, Patricia Monson, will conduct the interview. I will also attend. I've attached two acknowledgment forms we have everyone we interview fill out. If you could review them with Mr. Schorsch and return his signed copies to our office, we would appreciate it.

We will work with Ms. Ternes to schedule the interview. Currently, we are available the weeks of January 6th (except for the 9th) and January 13th (except for the 14th and 16th).

Thank you,
Logan

From: Monte L. Rogneby <mrogneby@VogellLaw.com>
Sent: Monday, December 23, 2024 7:15 AM
To: Carpenter, Logan <locarpenter@nd.gov>
Cc: Maier, Alisha <amaier@nd.gov>; Chelsey J. Ternes <cternes@vogellaw.com>; Binstock, Rebecca <rebinstock@nd.gov>; pmonson@cmcp LLC.com; Chelsey J. Ternes <cternes@vogellaw.com>
Subject: Re: Request for Interview (CONFIDENTIAL)

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Good morning:

I was tied up last week and am just catching up with your email. Mr. Schorsch and I are willing to meet via zoom to see if we can help clarify your questions.

Can you confirm that you have reviewed the materials I provided to the Legislative Audit and Fiscal Review Committee, including the attachments? These materials were prepared by Stealth to help answer concerns about the building. If you do not have complete copies of these materials, I can arrange for them to be shared with you. I request that these materials be reviewed prior to Mr. Schorsch's interview.

My assistant, Chelsey Ternes, who is copied on this email, can help arrange a time for the interview. Please provide to me a list of who will

be participating.

Sincerely,

Monte L. Rogneby



Monte L. Rogneby | Attorney

200 North 3rd Street, Suite 201 | P.O. Box 2097 | Bismarck, ND 58501

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From: "Carpenter, Logan" <locarpenter@nd.gov>

Date: Monday, December 16, 2024 at 11:58 AM

To: Monte Rogneby <mrogneby@Vogellaw.com>

Cc: "Maier, Alisha" <amaier@nd.gov>, "Chelsey J. Ternes" <cternes@vogellaw.com>, "Binstock, Rebecca" <rebinstock@nd.gov>, Pat Monson <pmonson@cmcpilc.com>

Subject: RE: Request for Interview (CONFIDENTIAL)

Good morning Mr. Rogneby,

Thank you for your response. I appreciate you taking the time to clarify the Commission's request.

The Commission requests interviews from individuals as a courtesy but notes it has the authority to require an interview under Article XIV of the North Dakota Constitution and N.D.C.C. § 54-66-08(3). The Commission does not, and has not, conceded it does not have the legal authority to compel individuals to appear before the Commission. However, the Commission has not engaged in litigation to clarify the process for requiring interviews. The Commission is hoping to clarify the process for compelling interviews during the upcoming legislative session.

The Commission is seeking information from Stealth Properties related to the 1720 Burlington Drive construction project, the costs and payments made for the project, and communications between the Office of the Attorney General and Mr. Schorsch for the project. The Commission believes Mr. Schorsch likely has most of that information and identified him following his extensive testimony to interim legislative committees and Representative Dockter's suggestion, but the Commission recognizes Stealth should determine who its representative will be.

Please let me know if you have additional questions or concerns. We look forward to hearing from you. Pursuant to N.D.C.C. § 54-66-12(1), this email and any information provided at the interview is a confidential record as defined in N.D.C.C. § 44-04-17.1.

Thank you,
Logan

From: Monte L. Rogneby <mrogneby@Vogellaw.com>

Sent: Friday, December 13, 2024 9:03 AM

To: Carpenter, Logan <locarpenter@nd.gov>

Cc: Maier, Alisha <amaier@nd.gov>; Chelsey J. Ternes <cternes@vogellaw.com>; Binstock, Rebecca <rebinstock@nd.gov>; pmonson@cmcpilc.com

Subject: Re: Request for Interview (CONFIDENTIAL)

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Mr. Carpenter:

I represent Stealth Properties and Mr. C.J. Schorsch. I am in receipt of your letter of December 9, 2024, requesting an interview with Mr. Schorsch, as a representative of Stealth Properties.

As an initial matter, I would like you to clarify whether the Commission is requesting an interview or whether it is seeking to compel Mr. Schorsch to provide an interview under North Dakota law. The letter indicates "[a]t this time, the Commission is requesting an interview." The next sentence, however, indicates "The authority of the Commission for requiring an interview lies under Article XIV of the North Dakota Constitution and N.D.C.C. § 54-66-08(3)."

It is my understanding that the Commission has conceded to the Office of Attorney General that it does not have the legal authority to compel individuals to appear before the Commission for interviews and for that reason the North Dakota Attorney General has refused to allow members of his office to be interviewed by the Commission concerning the pending complaints. If my understanding is correct, then I would like the Commission to clarify its position on this issue as it relates to Stealth Properties.

Notwithstanding the issue concerning the nature of the Commission's request, it is my understanding that the Commission seeks information from Stealth Properties concerning its business activities. To the extent the Commission seeks information which is binding on Stealth Properties, it is not appropriate for the Commission to pick who should speak for Stealth. Rather, the Commission should provide to me the topics to be covered and I will work with Stealth to determine who may best provide the information. It may be that Mr. Schorsch is the proper person. It also may be that other representatives should be involved. In this regard, please let me know the topics to be covered as part of the proposed interview.

Please let me know if you want to schedule a call to discuss.

Sincerely,

Monte L. Rogneby



Monte L. Rogneby | Attorney

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From: "Maier, Alisha" <amaier@nd.gov>

Date: Monday, December 9, 2024 at 9:30 AM

To: Monte Rogneby <mrogneby@VogelLaw.com>

Cc: "Binstock, Rebecca" <rebinstock@nd.gov>, "Carpenter, Logan" <locarpenter@nd.gov>, Pat Monson <pmonson@cmcpilc.com>

Subject: Request for Interview (CONFIDENTIAL)

Good morning, Mr. Rogneby:

Please find a letter from Logan Carpenter, General Counsel for the North Dakota Ethics Commission, attached to this email.

Please reach out to our office with any questions or concerns.

Thanks,

Alisha Maier
Operations Administrator

701.328.5321 • amaier@nd.gov • www.ethicscommission.nd.gov

