

North Dakota Ethics Commission Regular Meeting

Minutes of December 21, 2022

MS Teams

1. **Call to Order:** The meeting was called to order by Chairman Paul Richard at 9:04 a.m. The following members of the Ethics Commission were also present: Vice Chair David Anderson, Commissioners Ron Goodman, Ward Koeser, and Cynthia Lindquist, as well as Legal Counsel Allyson Hicks, Executive Director Rebecca Binstock, Special Assistant Attorney General Patricia Monson, and Office Manager Holly Gaugler.
2. **Approval of Agenda:** No additions were made.
3. **Approval of Minutes:** The Commission discussed meeting minutes from November 30, 2022, with no changes made.

Motion: Commissioner Anderson moved to approve meeting minutes from November 30, 2022, with no changes. Motion was seconded by Commissioner Koeser. Chair Richard called for a voice vote. The motion was approved by unanimous voice vote.

4. **Executive Director Binstock Update:**

- Executive Director Binstock updated the Commission on the progress of meetings with the NDIT project team to obtain an estimate for an on-line submission and file management program for the Commission's forms. She met with NDIT on November 30th where she provided more detail on the Commission's scope and purpose getting NDIT much closer to finding appropriate applications. The cost estimate will be provided to the Commission for approval before the project begins.
- Executive Director Binstock briefed the Commission on future workspace possibilities, indicating the fifth floor of the capitol would most likely not be an option but there was a very good possibility that the Department of Human Services may have an extra space in the judicial wing of the capitol.
- Executive Director Binstock discussed the education and outreach calendar, noting that this month she had focused on reaching out to the leaders of the House and Senate ensuring they were aware that the Ethics Commission was readily available to answer any questions they may have. She is also intending to provide training to all legislators during the first week of the legislative session and provide support and

answer questions throughout the legislative session. She also has plans to meet with various boards and commissions in January to provide training.

- Executive Director Binstock discussed the three legislative bills that would be the main focus for the Commission to include: OMB deficiency bill, Commission's appropriation bill, and the Commission's substantive bill addressing NDCC 54-66. She noted that the appropriation bill had already been scheduled for January 5th, 2023 at 9:30 a.m. in front of the full Senate Appropriations Committee. Legal Counsel Hicks also added that she will be monitoring all bills that get filed looking for any that may be relevant to the Commission.
- Executive Director Binstock briefed the Commission on proposed changes to the current "Meeting Notice" form. She explained that as the Commission continues to receive a significant increase in filing of meeting notices, there have also been more questions and some confusion regarding the form. The new form, Binstock explained, provides questions that are more direct in hopes it will make it easier to understand the information that is being requested.

Motion: Vice-Chair Anderson moved to approve the proposed revision to the Commission's "Meeting Notice" form. Motion was seconded by Commissioner Goodman. Chair Richard called for a roll call vote. The motion was approved by unanimous roll call vote.

5. **Discussion of Meeting Dates for 2023:** Executive Director led the discussion for proposed regular Commission meeting dates for 2023. The Commission agreed upon the following dates: January 18, February 21, March 15, April 26, and May 24, 2023.
6. **Budget Update:** Office Manager Holly Gaugler provided a budget update as of November 30, 2022, showing total expenses for November 2022 at \$30,831 and total expenditures for the biennium of \$409,254 - leaving a balance for the remainder of the biennium at \$214,730. She also briefed the Commission on projected expenditures for the remainder of the biennium of \$198,846 leaving a remaining balance on June 30, 2023, of \$15,884. She added that these projections did not include the costs of a newly appointed special assistant attorney general (SAAG), additional moving and location costs, and the cost of an on-line reporting system that the Commission is currently awaiting a cost estimate from NDIT.

Gaugler briefed the Commission that the SAAG costs, estimated at \$72,000 for the remainder of the biennium and moving and relocation costs, estimated at \$25,000, are included in the OMB deficiency bill this upcoming session.

7. **Discussion of Request for Advisory Opinion No. 22-02:** Executive Director Binstock reported to the Commission that she was working on a response to the request for advisory opinion

and anticipates presenting to the Commission at the next regular meeting or within the statutory response time of 90 days.

8. **Executive Session #1:** The Commission entered the first executive session at 10:03 a.m. to discuss Complaints #22-003 through 22-010 and 22-012 under the authority of N.D.C.C. Sections 54-66-12(1), 54-66-12(3), and 44-04-19.2(1) – information regarding the content and parties to a complaint to the Ethics Commission is confidential. The following participants entered the executive session: Chair Paul Richard, Vice Chair Dave Anderson, Commissioner Ron Goodman, Commissioner Cynthia Lindquist, Commissioner Ward Koeser, Special Assistant Attorney General Patricia Munson, Executive Director Rebecca Binstock, and Office Manager Holly Gaugler. Legal Counsel Allyson Hicks did not enter this Executive Session. Executive Session ended at 10:43 a.m. and all participants returned to the regular meeting. During Executive Session, the Commission heard case updates from Special Assistant Attorney General Patricia Munson and Executive Director Binstock. No final action was taken by the Commission regarding the complaints.

Motion: Vice-Chair Anderson moved to approve Special Assistant Attorney General Patricia Monson and Executive Director Binstock to proceed with the general direction provided by the Commission on Complaints #22-003 through 22-010 and 22-012. Motion was seconded by Commissioner Lindquist. Chair Richard called for a roll call vote. The motion was approved by unanimous roll call vote.

9. **Executive Session #2:** The Commission entered the second executive session at 10:48 a.m. to discuss Complaint #22-014 under the authority of N.D.C.C. Sections 54-66-12(1), 54-66-12(3), and 44-04-19.2(1) – information regarding the content and parties to a complaint to the Ethics Commission is confidential. The following participants entered the executive session: Chair Paul Richard, Vice Chair Dave Anderson, Commissioner Cynthia Lindquist, Commissioner Ron Goodman, Commissioner Ward Koeser, Legal Counsel Allyson Hicks, Executive Director Rebecca Binstock, and Office Manager Holly Gaugler. Executive Session ended at 10:57 a.m. and all participants returned to the regular meeting.

Motion: Commissioner Goodman moved to direct Executive Director Binstock to summarily dismiss Complaint No. 22-014 based on lack of subject matter jurisdiction. Motion was seconded by Commissioner Koeser. Chair Richard called for a roll call vote. The motion was approved by unanimous roll call vote.

10. **Adjourn:** Commission, having no further business, was adjourned at 11:00 a.m. The next meeting is scheduled for January 18, 2023, at 9:00 a.m.

Approved on 1/18/2023 

Rebecca Binstock, Executive Director, North Dakota Ethics Commission