

North Dakota Ethics Commission Meeting

Minutes of January 27, 2021

Live Stream MS Teams

1. The meeting was called to order by Chair Ron Goodman, at 9:00 a.m. The following members of the Ethics Commission were present: Ron Goodman, Cynthia Lindquist, Paul Richard, Ward Koeser and David Anderson. Also present were Ethics Commission legal counsel Allyson M. Hicks, Executive Director Dave Thiele, and Office Manager Holly Gaugler. Also present was Karilynn Berger, Information Technology Program Administrator for NDIT.
2. The agenda was discussed for this meeting. Commissioner Richard requested a later discussion on the North Dakota Attorney General's legal opinion.
3. The minutes of the 24 November 2020 meeting were discussed with no changes.

Motion: Commissioner Lindquist moved to approve the minutes of November 24, 2020 with no corrections. Motion was seconded by Commissioner Anderson. Chair Goodman called for a voice vote on the motion. The motion was approved by unanimous voice vote.

4. Office Manager Holly Gaugler provided a budget update as of December 31, 2020. Gaugler reported December expenditures of \$22,217 and biennium to date expenditures of \$298,365 with a remaining budget of \$218,790. Gaugler also reported projected expenditures for the remainder of the biennium (January 1, 2021 through June 30, 2021) at \$154,714 leaving a potential ending balance of \$64,076 on June 30, 2021.
5. Executive Director Dave Thiele provided a report and current update on legislative bills: HB 1024, HB 1043, HB 1295, HB 1451, and SB 2034. His report to the Commission also included proposed scheduling on upcoming Ethics Commission meetings. The Commission agreed upon April 21, May 26, and June 23, 2021. Executive Director Thiele also presented a proposed amendment to the Commission's Code of Ethics which provides term limits of commissioners, (Attached). The Commission discussed the amendment and a motion was made.

Motion: Commissioner Koeser moved to approve the Code of Ethics as amended. Motion was seconded by Commissioner Richard. Chair Goodman called for a roll call vote on the motion. The motion was approved unanimously.

6. At 9:50 a.m., the Commission moved to a recorded executive session to review complaints with attorney consultation under the authority of the North Dakota Constitution Article XIV Section 3 (2), NDCC §54-66-04.2, NDCC §44-04-19.1, and NDCC §44-04.19.2.

7. At 11:00 a.m., the Commission reconvened to regular session at which time the following motion was made based upon Commission discussion in executive session:

Motion: Commissioner Anderson moved to dismiss Complaints 20-002, 21-001, 21-002, 21-003, and 21-005 all relating to open records requests. Open records are the responsibility of the Office of the Attorney General and are covered by North Dakota Century Code beginning at §44-04-17.1. This motion was seconded by Commissioner Lindquist. Chair Goodman called for a roll call vote. The motion was passed unanimously.

8. A second motion was made also based upon Commission discussion in executive session:

Motion: Commissioner Koeser moved to dismiss complaint 21-004 for lack of jurisdiction in accordance with North Dakota Constitution Article XIV Section 4 (2). The Ethics Commission does not have jurisdiction over the judiciary or county level official against whom the complaint was made. Commissioner Anderson seconded the motion. Chair Goodman called for a roll call vote. The motion was passed unanimously.

9. A third motion was made also based upon Commission discussion in executive session:


Motion: Commissioner Richard moved to defer complaint 20-003 relating to an open meeting violation. The Commission has tasked Allyson Hicks and Dave Thiele to provide additional information. Once that information is received, the Commission will reconvene to reconsider that complaint. Commissioner Lindquist seconded the motion. Chair Goodman called for a roll call vote. The motion was passed unanimously.

10. The Commission discussed proposed agenda items for the February 24, 2021 meeting to address possible rule changes as required and those mandated by legislative changes. Executive Director Thiele will also provide an update on legislative bills.

11. Executive Director Thiele discussed the recent Attorney General's opinion which defined the Commission's authority. Commissioner Richard also commented on the opinion as clarifying the Commission as a constitutional body to adopt rules to further enhance ethical behavior in government.

12. The Commission discussed the annual Council on Government Ethics Laws (COGEL) conference that was held in December 2020. The 2021 annual conference will be held in Denver. Chair Goodman recommended that Executive Director Thiele attend as well as one of the commissioners.

Commission, having no further business, was adjourned at 11:15 a.m. The next meeting is scheduled for February 24, 2021 at 9:00 a.m. by MS Teams.

Approved on 24 Feb 2021 
Dave Thiele, Executive Director, North Dakota Ethics Commission