

North Dakota Ethics Commission Meeting

Minutes of June 17, 2020

Live Stream MS Teams

1. The meeting was called to order by Chair, Ron Goodman, at 9:02 a.m. The following members of the Ethics Commission were present: Ron Goodman, Cynthia Lindquist, Paul Richard, David Anderson and Ward Koeser. Also present was the Ethics Commission legal counsel, Allyson M. Hicks, Dave Thiele, Executive Director, and Holly Gaugler, Office Manager. Also present was Karilynn Berger, Information Technology Program Administrator for NDIT.

2. The agenda was discussed for this meeting with no additions.

3. The minutes of the May meeting were discussed. Richard requested to change Joe to Joel in number 6.

Motion: Koeser moved to approve the minutes of May 13, 2020 with correction. Motion was seconded by Lindquist. Chair Goodman called for a voice vote on the motion. The motion was approved by unanimous voice vote.

4. Executive Director, Dave Thiele provided an update to the Commission on the proposed complaints rules. Public comments deadline was June 15, 2020 and no comments were received. Thiele further discussed the process whereby he would be providing proposed rules to Legislative Council and he would be discussing with the Interim Judiciary Committee on July 22th. Thiele would then report back to the Commission.

Motion: Anderson moved that the proposed complaint rules be approved, this was seconded by Koeser. Chair Goodman called a roll call vote. The roll call vote unanimously approved.

5. Office Manager, Holly Gaugler gave a budget update as of May 31, 2020. The current budget as of May 31, 2020 shows a remaining budget at the end of the biennium, June 30, 2021, of \$57,509. Gaugler stated that the Governor's budget guidelines for the upcoming 2021-23 biennium required a 5% reduction for the Ethics Commission which would be a reduction of \$25,858 from the current appropriation of \$517,155 to \$491,297. The total estimated requirement for the 2021-23 biennium is

\$641,326 with a shortfall of \$150,029. The shortfall will be an optional adjustment in our budget submittal request. Thiele further discussed advertising costs and the Commission's travel costs and the process of submittal and follow-up budget meeting with OMB. Thiele asked that Dave Anderson also attend that meeting along with Gaugler and himself.

Motion: Koeser moved, with a second by Lindquist to approve the proposed budget submittal. The motion was unanimously approved by roll call vote.

6. Thiele discussed Article XIV of the Constitution that supports the Ethics Commission's rule authorities for defining lobbying and lobbyists as pertaining to gifts. Richard provided a detailed discussion of the Commission's draft gift rules. Hicks disagreed with the clarity provided by Article XIV for the Commission's authority to define lobbying and lobbyists and recommended the Commission go forward with an Attorney General's opinion. Thiele will provide a preamble to the gift rules providing guidance and clarification to public officials. Hicks recommended that another section is added to the gift rules draft that discusses who determines and enforces violations of the gift policy. The Commission agreed to have Thiele work with Richard and Hicks and make changes to the draft gift rules, collect public comments and write request for legal opinion from the Attorney General's Office. Thiele will present changes to gift rules draft, public comments, and request for legal opinion to the Commission's approval at the July 23, 2020 meeting.
7. The Commission discussed the June 15, 2020 letter from Senate Majority Leader Rich Wardner and House Majority Leader Chet Pollert.
8. The Commission discussed the new proposed meeting schedule for 2020.

Motion: Chair Goodman moved, with a second by Koeser to approve the proposed new schedule for remainder of 2020. The motion was unanimously approved by voice vote.

Commission, having no further business, was adjourned by Chair Goodman at 11:30 a.m. The next meeting will be July 23, 2020 at 9:00 a.m. by MS Teams.

Approved on 23 July 2020


Dave Thiele, Executive Director, North Dakota Ethics Commission