

North Dakota Ethics Commission Meeting

Minutes of October 6, 2020

Live Stream MS Teams

1. The meeting was called to order by Chair, Ron Goodman, at 9:03 a.m. Due to technical difficulties, the meeting was halted and restarted at 9:38 a.m. The following members of the Ethics Commission were present: Ron Goodman, Cynthia Lindquist, Paul Richard, 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 NDI. Commissioner Ward Koeser was not present due to a conflict.
2. The agenda was discussed for this meeting with no additions.
3. Richards asked that in an upcoming meeting, commissioner term limits be discussed along with the required process. Thiele agreed to research the appropriate process.
4. The minutes of the 12 August 2020 meeting were discussed with no changes.

Motion: Richard moved to approve the minutes of August 12, 2020 with no corrections. Motion was seconded by Anderson. Chair, Goodman called for a voice vote on the motion. The motion was approved by unanimous voice vote.

5. Executive Director, Dave Thiele reported that the upcoming annual meeting of the Council on - Government Ethics Laws (COGEL) would be held on-line in December and there was no charge for Commissioners and staff. Thiele attended the Judiciary Committee hearing on September 24 where the Committee approved Representative Klemin's bill on advisory opinions and asked that the Ethics Commission also submit an agency bill with their proposed legislative changes. Thiele also attended a meeting with the Western Dakota Association of Legal Assistants and presented a history and overview of the Ethics Commission. Thiele indicated that he will be presenting in a training with the Consensus Council later this year to discuss lobbying in a pandemic and the Ethics Commission gift rules. Thiele will also be participating in a meeting later this year with lobbyists in a gift rules round table discussion. Thiele also reported there was a September 16, 2020 news release marking the Ethics Commission one-year anniversary and it is also posted on the website's home page.
6. Office Manager, Holly Gaugler provided a preliminary budget update as of September 30, 2020. Gaugler reported September estimated expenditures of \$23,224 and biennium to date expenditures of \$231,822 with a remaining budget of \$285,333. Gaugler also reported projected expenditures for

the remainder of the biennium (October 1, 2020 through June 30,2021) are estimated at \$225,639 leaving an estimated ending balance of \$59,694 on June 30, 2021.

7. The Commission, led by Richard, discussed the draft gift rules. Thiele briefed the Commission regarding the only public comment received regarding the draft gift rules from Dr. Madeline Luke of Valley City (attached). Dr Luke has two concerns and provided two scenarios that the Commission discussed. A concern was that the penalties were too light for violation of the gift rules. The Commission noted that the gift rule language in question language was simply a restatement of the statute in NDCC 54-66-03 and that the Constitution in Article XIV gave the specific authority to the legislature to establish civil and criminal penalties for gift violations. The second scenario presented was a concern that there was a possible gap in coverage and penalties. The Commission noted that the scenario presented would be a crime (bribery) and was currently covered by statute. The Commission determined that the comments did not warrant a change to the draft gift rules.

Motion: Richard moved that the draft gift rules be approved; this was seconded by Anderson. Chair, Goodman called a roll call vote. The roll call vote unanimously approved.

8. The Commission held a general discussion, led by Richards, on disclosure and methods of handling a potential conflict of interest by a public official. Discussion also included the draft conflict of interest rules prepared by Richard and Thiele. Four requests for information were made as follows: a.) For the upcoming meeting, invitations to content experts from the legislative and executive branches to present current process for handling of potential conflicts of interest; b.) Hicks to present information on guidance provided currently by the Attorney General's Office on conflicts of interest and any Attorney General opinions on the subject; c.) Goodman, Thiele and Hicks to present a reporting tree on where conflicts of interest currently go; d.) Hicks and Thiele to compile a compendium of existing laws, rules and constitutional amendments by category for transparency, corruption, election and lobbying.

Commission, having no further business, was adjourned at 11:05 a.m. The next meeting is scheduled for November 24, 2020 at 9:00 a.m. by MS Teams.

Approved on 24 Nov 2020


Dave Thiele, Executive Director, North Dakota Ethics Commission