North Dakota Ethics Commission Meeting

Minutes of March 11, 2020

Red River Room, State Capitol

600 E. Boulevard Avenue, Bismarck, ND 58505

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, and David Anderson. Ward Koeser was absent. Also present was the Ethics Commission legal counsel, Allyson M. Hicks, Assistant Attorney General for the State of North Dakota and Dave Thiele, Executive Director. Also present was Stephanie Johnson, Commission budget analyst. The Agenda was discussed.

 The minutes of the February meeting were discussed.

**Motion:** Anderson moved to approve the minutes of February 20, 2019. Motion was seconded by Lindquist. Chair Goodman called for a voice vote on the motion. Upon voice vote, the minutes of the February 20, 2019, meeting were unanimously approved with Koeser absent and not voting.

1. Executive Director Thiele provided an update to the Commission on activities since the February meeting. Thiele briefed commission on office removal of wall in order to allow Commission meetings to be held there. Holly Gaugler starts 1 April but will also work part-time for NG until replacement up to speed. Furniture and printer are in and working out of the office. Still need chairs from Fireside. Had email addresses set up EthicsCommission@nd.gov and ethicshotline@nd.gov. Both are working and will come to staff at the office. Hotline is live (701) 328-6000. Nothing new to report on budget as we haven’t received latest information Called Madeline Luke who contacted commissioners—she wants to see more progress. What she really emphasized was the need/desire for an active website. Will focus on going live with website if complaint form is approved. Commission requested that when we go live that the Thiele draft a press release. Worked draft complaint rules and form with Paul and worked with Rep Klemin and legislative counsel on bill to allow advisory opinions. Discussed updating Commission contact information on the Governor’s website.
2. The Commission reviewed the latest draft of the Commission Code of Ethics.

**Motion:** Anderson moved to approve the Code of Ethics as drafted. Motion was seconded by Richard. Chair Goodman called for a roll call vote on the motion. Upon roll call vote the Code of Ethics as drafted were unanimously approved with Koeser absent and not voting.

1. The Commission reviewed the latest draft complaint rules. The Commission discussed the standard of review and agreed to use “reasonable belief” as the baseline for the initial review. The Commission agreed that “summarily dismissed” should be used in lieu of “disregarded” throughout the complaint rule process. Changed the 10-day response requirement to 20 calendar days. The Commission determined that the Executive Director would conduct an initial review to verify jurisdiction, but further review of information/complaint would remain the purview of the Commission.

The Commission recessed for lunch at 1230p.m. and reconvened at 1:00p.m.

The Commission continued review of the complaint rules. Thiele and Hicks would make the suggested edits and the Commission would review final draft and possibly hold a special meeting to approve the final draft.

The Commission took a break at 2:06 and reconvened at 2:20.

1. The Commission reviewed the draft complaint form. The Commission discussed and made some minor edits to the draft form.

**Motion:** Richard moved to approve the complaint form as edited. Motion was seconded by Lindquist. Chair Goodman called for a roll call vote on the motion. Upon roll call vote the Code of Ethics as drafted were unanimously approved with Koeser absent and not voting.

1. The Commission discussed Commission rules review. Thiele indicated this will be a standing agenda item. The next item the Commission should be working on is gifts and what may be acceptable that does not raise ethical concerns. Thiele will provide Commissioners information on what other states have done in the area. The Commission discussed definition of lobbyist and process if an improper gift was made by unregistered lobbyist.
2. The Commission discussed bill drafts/possible legislation for 2021. The Commission agreed to delay discussion on that topic until next meeting. Thiele would provide information to Commission from the Interim Judiciary Committee meeting.
3. The Commission discussed Executive Director position description and salary. Anderson reported to the Commission that review of the duties and responsibilities of the Executive Director position are at a much higher level than originally anticipated. The Commission believes that a strong legal background is critical to the position along with significant legislative experience. The original salary range was not adequate as evidence by the lack of candidates with a legal and/or legislative background. Anderson recommended a responsibility increase in salary which is the process used by state human resources. A review of similar salaries for that level of experience is between $129,000 and $150,000 per year. Anderson recommend a salary increase of $20,000 to $135,000 per year.

**Motion:** Anderson moved to increase the Executive Director salary by $20,000 to $135,000 as a responsibility increase effective April 1, 2020. Motion was seconded by Lindquist. Chair Goodman called for a roll call vote on the motion. Upon roll call vote the motion was unanimously approved with Koeser absent and not voting.

1. The Commission briefly discussed the proposed initiated measure that would have the Commission in charge of legislative redistricting. The Commission agreed they would have no input or opinion on the issue. The Commission further discussed requests to speak before various groups.
2. All items on the agenda being completed, Chair Goodman asked Commissioners if there were any other items to consider and hearing a negative response adjourned the meeting at 2:56 p.m.

The next meeting will be April 23rd in the Red River Room.

Approved on March 23, 2020

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Ronald Goodman, Chair, North Dakota Ethics Commission