

# North Dakota Ethics Commission Regular Meeting

Minutes of January 18, 2023

MS Teams

1. **Call to Order:** The meeting was called to order by Vice Chairman David Anderson at 9:01 a.m. The following members of the Ethics Commission were also present: Chairman Paul Richard, Commissioners Ron Goodman, Ward Koeser, and Cynthia Lindquist, as well as Executive Director Rebecca Binstock, Special Assistant Attorney General Patricia Monson, and Office Manager Holly Gaugler. Legal Counsel Allyson Hicks was not present.
2. **Approval of Agenda:** No additions were made.
3. **Approval of Minutes:** The Commission discussed meeting minutes from December 21, 2022, with no changes made.

**Motion:** Commissioner Koeser moved to approve meeting minutes from December 21, 2022, with no changes. Motion was seconded by Commissioner Goodman. Vice Chair Anderson called for a voice vote. The motion was approved by unanimous voice vote.

4. **Budget Update:** Office Manager Holly Gaugler provided a budget update as of December 31, 2022, showing total expenses for December 2022 at \$39,957 and total expenditures for the biennium of \$440,234 - leaving a balance for the remainder of the biennium at \$183,750. Total expenditures did include \$7,560 for November and December SAAG costs. She also briefed the Commission on projected expenditures for the remainder of the biennium of \$176,091 leaving a remaining balance on June 30, 2023, of \$7,659. However, in anticipation of additional funding from the deficiency Senate Bill 2025 covering expended SAAG costs in November and December of \$7,560, the ending balance on June 30<sup>th</sup> 2023 is estimated at \$15,219. However, the ending balance of \$15,219 does not include costs for a proposed software reporting system which is unknown at this time. Cost estimates from NDIT are expected in the upcoming weeks.
5. **Executive Director Binstock Update:**
  - Executive Director Binstock provided an update on the proposed future office space at the capitol. She indicated that the Commission is still on track to locate into the judicial wing of the capitol, currently occupied by the Department of Human Services.

The time frame is uncertain but expects it will be during the spring and reminded the Commission that there was \$25,000 in the deficiency bill SB 2025 for relocation costs.

- Executive Director Binstock discussed the education and outreach calendar, noting that this month she focused on reaching out to the legislators from both the House and Senate by providing three training sessions. The main focuses of those trainings were the conflict of interest and gift rules. She also provided a presentation to the North Dakota Water Commission. In the following week a presentation will be provided to the North Dakota Chiropractic Board.
  - Executive Director Binstock provided a legislative update on the three bills:
    - Senate Bill 2024 - A hearing was held on January 5th on the Commission's appropriation bill, SB 2024 where Executive Director Binstock presented testimony. It was also attended by Chair Paul Richard, Vice Chair Dave Anderson, and Holly Gaugler. This hearing was before the full Senate Appropriations Committee and is now assigned to the Human Resources Division of the Senate Appropriations Committee. Committee work will take place on January 20th on this bill and will be attended by Executive Director Binstock, Vice Chair Dave Anderson, and Holly Gaugler.
    - Senate Bill 2025 – This is OMB's bill which provides deficiency appropriations for various agencies including the Ethics Commission. The total deficiency for the Ethics Commission provided in this bill is \$97,000 which includes the relocation of office space at the capitol of \$25,000 and \$72,000 for SAAG costs. The first hearing was January 13<sup>th</sup> attended by Executive Director Binstock, Vice Chair Dave Anderson, and Holly Gaugler. Testimony had been prepared but was not required by the Committee. The Committee also did not ask any questions regarding the Ethics Commission's appropriation.
    - Senate Bill 2048 – This bill was submitted by the Ethics Commission to amend North Dakota Century Code Chapter 54-66. A hearing was held on January 6<sup>th</sup> where Executive Director Binstock presented testimony and was also attended by Chair Richard, Vice Chair Anderson, Commissioner Lindquist, and Holly Gaugler. The Committee worked on the bill on January 13th. Executive Director provided information to the Committee later in response to some questions that had been brought up during the committee work. Executive Director Binstock added that the Commissioners would be receiving notice as hearings and committee work are scheduled.
6. **Executive Session #1:** The Commission entered the first executive session at 9:30 a.m. to discuss Complaint #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 Executive Session #1:

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 was not present and did not enter Executive Session #1. Executive Session #1 ended at 9:50 a.m. and all participants returned to the regular meeting. During Executive Session #1, the Commission heard case updates from Executive Director Binstock and Special Assistant Attorney General Patricia Munson.

**Motion:** Chair Richard moved that the Commission affirm the summary dismissal of Complaint #22-012 due to lack of personal jurisdiction over the Complainant. Motion was seconded by Commissioner Koeser. Vice Chair Anderson called for a roll call vote. The motion was approved by unanimous roll call vote.

7. **Executive Session #2:** The Commission entered the second executive session at 9:57 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, Executive Director Rebecca Binstock, and Office Manager Holly Gaugler. Special Assistant Attorney General Patricia Monson did not enter Executive Session #2. Legal Counsel Allyson Hicks was not present and did not enter Executive Session #2. During Executive Session #2, the Commission heard case updates from Executive Director Binstock. Executive Session #2 ended at 10:06 a.m. and all participants returned to the regular meeting.

**Motion:** Commissioner Goodman moved that the Commission affirm the summary dismissal of Complaint No. 22-014 based on lack of subject matter jurisdiction. Motion was seconded by Chair Richard. Vice Chair Anderson called for a roll call vote. The motion was approved by unanimous roll call vote.

8. **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 it will be completed before the deadline of February 20, 2023. The Commission will need to hold a special meeting to discuss the proposed response and approval by the Commission to ensure it will be sent out by February 20th.

9. **Adjourn:** Commission, having no further business, was adjourned at 10:15 a.m. The next meeting is scheduled for February 21, 2023, at 9:00 a.m.

Approved on 2/14/2023 

Rebecca Binstock, Executive Director, North Dakota Ethics Commission