

North Dakota Ethics Commission Meeting

Minutes of October 20, 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.
2. The agenda was discussed for this meeting an additional item was added, requested by Holly Gaugler, regarding distribution of documents/files prior to each meeting. Gaugler asked the Commission if a link to the website could be provided to Commissioners and staff prior to the meeting rather than sending out numerous email attachments for convenience and efficiency for the Commissioners and staff. Commissioners and staff were in favor of this new process.
3. The minutes of the 25 August 2021 meeting were discussed with no changes.

Motion: Commissioner Richard moved to approve the minutes of August 25, 2021 with no corrections. Motion was seconded by Commissioner Koeser. 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 September 30, 2021. Gaugler reported September 2021 expenditures of \$21,931 with a remaining budget of \$559,199. Gaugler also reported projected expenditures for the remainder of the biennium (October 1, 2021 through June 30, 2023) at an estimated \$538,991 which would leave an approximate ending balance of \$20,208 on June 30, 2023. Gaugler advised the Commission that the ending balance would likely rise as the Commission continues to have MS Teams virtual meeting rather than in-person meetings.
5. Executive Director Thiele Update: Thiele discussed the upcoming virtual COGEL conference scheduled for December 6 – 8, 2021. COGEL had not planned on recording the three-day sessions which would make it difficult for most Commissioners to “attend”. He is waiting to hear back if they will reconsider recording all three days for later viewing to ensure the Commissioners and staff would all be able to attend. He also provided an overview of recent activities: The Government Administration Committee met on September 14th to discuss agency office space. Thiele provided testimony regarding the current office space for the

Ethics Commission and preferences for the Commission to not be located at the capitol but under certain circumstances may be open to a location with another state agency. Thiele recommended to the Committee that the best options would be to renegotiate with the current landlord or possibly moving to a smaller space and terminating the current lease. The Government Administration Committee will be meeting again on October 25th to discuss agency lease space. On October 12th Thiele provide a briefing on the Ethics Commission to the Outdoor Heritage Fund. On October 19th he also provided a briefing during the Attorney General's day-long educational seminar for a number of professional boards. On October 21 he will also brief the Bank of North Dakota Board of Directors.

6. Executive Director Thiele led the Commission through the discussion of conference expense reimbursements for senior level public officials and legislators explaining many different scenarios at various conferences that may or may not be considered lobbying. He also discussed some events that would be considered a political event rather than a conference. After extensive discussion between Thiele, legal counsel Allyson Hicks and Commissioners, it was decided that due to the broadness and complexity of this issue it should be addressed as a part of the current gift rule exceptions and thereafter the approval process would be focused on the individual public official. Advisory opinions would be issued in the future on specific and hypothetical events. Executive Director Thiele, Commissioner David Anderson along with legal counsel Allyson Hicks will work on a draft to the existing gift rule for the Commission's review.
7. The Commission discussed the draft conflict of interest rule and decided to proceed to public comment prior to the opinion response from the Attorney General. Executive Thiele recommended that the Commission adopt conflict of interest rule for publication.

Motion: Commissioner David Anderson moved to approve the current conflict of interest rule for publication. This motion was seconded by Commissioner Lindquist. Chair Goodman called for a roll call vote. The motion was passed unanimously.

Commission, having no further business, was adjourned at 10:25 a.m. The next meeting is tentatively scheduled for November 17, 2021 at 9:00 a.m. by MIS Team.

Approved on 15 DEC 2021

Dave Thiele, Executive Director, North Dakota Ethics Commission

