



To: North Dakota Ethics Commission

From: Commission Staff

Date: May 5, 2025

Re: Mock Complaint Problem – Director Spruce Oakridge

PROBLEM OVERVIEW

Commission staff created this mock complaint problem to provide a public overview of the complaint process, to show the complications that can come up, and to provide a mock exercise to the Commissioners to work through the process from receipt to complaint resolution. Commission staff also prepared some documents to demonstrate to the public the information received and developed by the Commission throughout the complaint process. Once completed the mock problem will serve as an educational tool for the complaint process.

The mock complaint problem focuses on a fictional public official and office, Director Spruce Oakridge in the North Dakota Department of Forest Creation. Any resemblance to actual persons or actual events is purely coincidental. The mock problem involves various issues that arise during Commission investigations including:

- (1) a required criminal referral;
- (2) informal resolution;
- (3) uncooperative witnesses/lack of a clear subpoena process; and
- (4) a potential conflict of interest for a Commissioner/staff.

Following this overview is an abbreviated version of what would become the executive director's report and recommendation. In reality, a report and recommendation can be quite lengthy and is documented throughout with footnotes. To conserve Commission resources, the mock report and recommendation is presented in summary form and annotated to describe the process. Annotations appear in blue text. For the sake of brevity, certain sections have been omitted entirely and replaced with annotations. Some documents created during the complaint process are referenced in footnotes and fictional versions are provided as attachments to this problem as examples.

A real Report and Recommendation will include a certification by the executive director, a cover page, and a table of contents.

INVESTIGATION SUMMARY

COMPLAINT NO:	24-00
RESPONDENT:	Director Spruce Oakridge, Department of Forest Creation
ALLEGATIONS:	Director Oakridge, as head of the Department of Forest Creation, oversees a legislatively enacted program to plant trees and create new forests in North Dakota. Director Oakridge owns the Giving Tree Co., which received the contract to plant trees and create four forests throughout the state. Director Oakridge bribed legislator Elmer Pine to bring and sponsor the bill. Director Oakridge made a lot of money through the Giving Tree Co. on the forest creation program.
WITNESSES:	Mr. Dusty Drought, Chief Operations Officer, The Giving Tree Co. Ms. Sequoia Elm, Environmental Lobbyist Ms. Willow Green, Procurement Liaison, Department of Forest Creation Ms. Piney Needles, Forest Architect, Eastern Region, Department of Forest Creation Legislator Elmer Pine, District 49
CONCLUSION:	(1) Director Oakridge failed to disclose a potential conflict of interest (2) Director Oakridge failed to disclose a potential conflict of interest when administering the forest creation program. (3) Director Oakridge committed a criminal violation by bribing Pine to bring and sponsor the bill for the forest creation program.
COMPLICATIONS:	(1) The lack of a clear subpoena process to secure witness testimony extended the investigation timeline. (2) A criminal referral extended the investigation timeline. (3) A conflict of interest among Commission staff reduced Commission resources to process the complaint.

Beginning of Report and Recommendation (Summary Version). No footnotes are included for factual matters since this prompt is fake. Sample documents created as visual aids are noted throughout.

I. INTRODUCTION

On April 21, 2024, the North Dakota Ethics Commission (“Commission”) received a complaint against Director Spruce Oakridge, from the Department of Forest Creation.¹ The complaint was filed by a confidential North Dakota resident. The complaint alleges Director Oakridge oversees the forest creation program and has a conflict of interest because he owns the Giving Tree Co., which made money on the program. The complaint also alleges Director Oakridge bribed a legislator, Elmer Pine, to bring the bill creating the program in 2023, Bill 1000.

Following the initial review and based upon public information, the Commission believed the complaint contained allegations of criminal conduct requiring a referral to law enforcement under N.D.C.C. § 54-66-08(2). The referral resulted in criminal charges for bribery against Oakridge under N.D.C.C. § 12.1-12-01 and trading in special influence under N.D.C.C. § 12.1-12-05. Oakridge pleaded guilty to one of the charges, bribery. Following the criminal case, the Commission’s investigation resumed.

II. FACTUAL BACKGROUND

In April 2023, the North Dakota Legislative Assembly passed Bill 1000, establishing a comprehensive program to promote forest creation and long-term ecological resilience in the state. The Department of Forest Creation, under the leadership of Director Spruce Oakridge, was designated to administer and oversee the implementation of Bill 1000. Pine served as the primary sponsor of Bill 1000. The bill exempted all contracts under the program from state procurement requirements.

On September 12, 2023, shortly after the program’s launch, the Department awarded the contract to the Giving Tree Co., a private tree-planting enterprise. The contract totaled approximately \$12.6 million. The contract resulted in the creation of four forests in each corner of the state.

Following the completion of the contract in March of 2024, a whistleblower within the Department of Forest Creation made a blog post online alleging that Oakridge may have engaged in misconduct with the forest creation program. The whistleblower was later publicly identified as Ms. Piney Needles who works in the Department of Forest Creation as a Forest Architect. Needles oversaw the creation of one of the forests in the eastern part of the state.

Following the blog post, the Ethics Commission received a complaint from a confidential North Dakota resident on April 21, 2024. The complaint alleges Oakridge may have engaged in

¹ Attachment 1 provides a sample of a complaint.

misconduct implementing the program, but added an allegation that Oakridge bribed Pine to bring the bill in the first place. The Commission then began its initial review of the complaint.

During the initial review, the Commission's operations administrator identified and declared a potential conflict of interest and recused from working on the complaint. Remaining Commission staff then covered the administrative support matters for this complaint.

A. Initial Review and Criminal Referral

During the initial review, Commission staff identified Oakridge as an appointed public official in the executive branch subject to the Commission's authority. Commission staff then turned to the allegations in the complaint. Based on the allegations in the complaint, Commission staff identified two criminal statutes that may be implicated: (1) bribery under N.D.C.C. § 12.1-12-01; and (2) trading in special influence under N.D.C.C. § 12.1-12-05.

Section 54-66-08(2), N.D.C.C., requires the Commission to criminally refer matters when the Commission "believes a complaint contains allegations of criminal conduct." Based on this directive, Commission staff looked to corroborate the allegations with publicly available information since no supporting evidence was submitted with the complaint. Commission staff requested the contract for the forest creation program, which showed Oakridge's subordinate, Ms. Willow Green, signing it on behalf of the state with the Giving Tree Co. Commission staff also requested Oakridge's most recent statement of interests filed with the secretary of state, which revealed he did own an interest in the Giving Tree Co. In addition, Commission staff requested Pine's most recent statement of interest, which he had recently updated for the 2024 election. Pine's statement of interest revealed he also owned an interest in the Giving Tree Co.

Based on the information obtained, Commission staff briefed the Commission at its May 2024 meeting on the initial review of the complaint together with the initial review completion report.² Analyzing the information, the Commission formed a belief the complaint contained allegations of criminal conduct. The Commission directed staff to provide the information to law enforcement as required by N.D.C.C. § 54-66-08(2). On May 15, 2024, Commission staff then sent a referral letter to the state's attorney with jurisdiction over the matter, along with the information the Commission had obtained to date.

The state's attorney reviewed the matter over the course of four months. On September 1, 2024, the state's attorney charged Oakridge with violations of the two criminal statutes: (1) bribery under N.D.C.C. § 12.1-12-01; and (2) trading in special influence under N.D.C.C. § 12.1-12-05. On November 3, 2024, Oakridge signed a plea agreement and pleaded guilty to one of the charges, bribery under N.D.C.C. § 12.1-12-02. On November 6, 2024, Oakridge was sentenced to fourteen days in jail.

² Attachment 2 provides a sample of an initial review completion report.

B. Informal Resolution

After the Commission was notified by the state’s attorney that the criminal proceedings had concluded, the Commission resumed its review of the complaint on December 6, 2024 pursuant to N.D.C.C. § 54-66-08(2). Commission staff then reached out to the complainant and the respondent to gauge their interest in informal resolution. Both individuals agreed to engage in informal resolution.³ However, because the complainant is confidential, Commission staff could not set up an informal resolution conference. Instead, Commission staff went back and forth between both individuals via phone. The informal resolution process added about a month to the Commission’s review timeline because the complainant and the respondent engaged in negotiations in good faith but were ultimately far apart on how they wished to resolve the complaint. As a result, the Commission moved the complaint to the investigation stage.⁴

C. The Commission’s Investigation

On January 13, 2025, the Commission began its investigation of the complaint. The scope of the Commission’s investigation included determining whether a potential conflict of interest existed for Oakridge, the facts creating any potential conflict, and reviewing the criminal case. Commission staff identified six witnesses to interview with relevant information related to this complaint: (1) Ms. Piney Needles; (2) Ms. Willow Green; (3) Ms. Sequoia Elm; (4) Legislator Elmer Pine; (5) Mr. Dusty Drought; and (6) Oakridge.

1. Interview with Ms. Piney Needles

Needles, a Forest Architect with the Department of Forest Maintenance, was interviewed regarding her oversight of the eastern forest creation project and her subsequent whistleblower disclosures. She stated that in her role, she was responsible for coordinating ecological planning, site surveys, and vendor communications for the forest established in the eastern region. While she was not part of the contracting process, she became concerned when she observed that the awarded contract was directed to the Giving Tree Co., without any public bidding or alternative proposals considered.

Needles expressed that she initially raised her concerns internally through informal channels, speaking with a supervisor and later documenting her observations in a departmental memo. According to her, the memo was ignored, and she received subtle pushback, including reassignment of minor responsibilities. Eventually, after reviewing the public procurement exemption within Bill 1000 and discovering the extent of Oakridge’s affiliation with the Giving Tree Co., she made the decision to post her concerns online. She felt compelled to act due to the lack of response from internal oversight mechanisms and the scale of the funds involved.

In the interview, Needles also detailed her motivations and clarified that she had no prior knowledge of any criminal behavior—her intent was to highlight potential ethical issues. She was

³ Attachment 3 provides a sample of a completed informal resolution request form from a complainant.

⁴ Attachment 4 provides a sample of an investigation notification letter to a respondent.

unaware that Pine had financial ties to the Giving Tree Co. until media reports surfaced following her blog post. She affirmed that she had not been contacted by Oakridge or others attempting to dissuade her from speaking out, but she noted a general atmosphere of unease within the department after the post went public.

2. Interview with Ms. Willow Green

Ms. Willow Green, the department's procurement liaison, was interviewed about the contracting process surrounding the forest creation program. Green clarified that her typical duties include monitoring contract compliance with state procurement laws, but that Bill 1000's exemption clause significantly limited her authority. She explained that shortly after Bill 1000 was passed, Oakridge directed her to file all procurement documents under internal-use protocols and refrain from applying standard competitive bidding procedures.

Green stated that she was uncomfortable with this deviation from normal practice but did not feel she had sufficient cause or standing to challenge a statutory exemption directly. She described a meeting where Oakridge emphasized the need for "speed and efficiency" and noted that "delays kill forests." When she brought up the risks associated with single-source contracting, she recalled Oakridge responding that the Giving Tree Co. was "the only operation in the region with the equipment and personnel ready to go." Green could not verify that claim at the time and was not permitted to solicit outside bids.

During the interview, Green was shown copies of the contract and acknowledged that the documentation lacked the usual vendor evaluations or performance comparisons. She also confirmed that she later learned of Oakridge's ownership stake through media coverage and internal rumors. Although she now believes there were clear signs of conflict of interest, she expressed regret that the structure of the bill and Oakridge's authority left little room for intervention. She regretted signing the contract on behalf of the department given the issues she noticed.

3. Interview with Ms. Sequoia Elm

Ms. Sequoia Elm, a lobbyist for an environmental group focused on forests, was interviewed regarding the development and legislative journey of Bill 1000. Elm explained that she first became familiar with the bill in early March 2023, when it was introduced by Pine. She described the bill as receiving little attention with only minor revisions made during its passage.

Elm noted that she found the scope of the program unusually broad, especially given the significant funding attached. She recalled that several legislators had voiced concerns about the amount in the bill and the procurement exemption but were reassured by Pine and Oakridge that the department had "a trusted partner ready to implement." Elm stated she was not aware at the time that this "trusted partner" was the Giving Tree Co., nor that Pine or Oakridge had any financial interest in the company.

Elm was asked whether she recalled any lobbying activities surrounding Bill 1000 by others. She responded that while there was no formal lobbying effort registered under the Giving Tree Co., she did observe Oakridge attending multiple committee hearings and events around the capitol during the week the bill advanced. She described his presence as “unusually persistent” and “more political than technical,” which struck her as atypical for an appointed executive agency head.

4. Interview with Legislator Elmer Pine

Pine was interviewed regarding his sponsorship of Bill 1000 and his connections to both Oakridge and the Giving Tree Co. Pine confirmed that he was the primary sponsor of the bill and asserted that he was approached by Oakridge in January 2023 with the idea of launching a large-scale forest creation effort. Pine claimed he supported the concept due to his long-standing interest in environmental policy and economic development in remote areas.

When confronted with records indicating his financial stake in the Giving Tree Co., Pine admitted that he had acquired shares in the company in 2023 following legislative session. He insisted the investment was minor and disclosed according to state law. Pine denied any quid pro quo arrangement with Oakridge and characterized the criminal charges as “deeply exaggerated.”

Pine admitted the two had several dinners and phone calls leading up to the bill’s introduction but insisted the discussions were purely about policy and implementation logistics. When asked whether Oakridge had provided any personal incentives, Pine, initially evaded the question but ultimately said, “No, not in any formal sense.” Pine then declined to answer further questions.

5. Interview with Mr. Dusty Drought

Mr. Dusty Drought, Chief Operations Officer at the Giving Tree Co., was interviewed due to his role overseeing the company’s execution of the contract awarded under the forest creation program. Initially, Drought refused to interview with the Commission and was evasive to the Commission’s request for an interview for about two months. Commission staff then reviewed the investigation to date and evaluated whether other individuals would have the same or helpful information that Drought would provide. However, Commission staff believed Drought to be an important witness regarding Oakridge’s potential conflict of interest. As a result, Commission staff continued to reach out to Drought to negotiate him sitting for an interview. Eventually Drought agreed to interview with the Commission, about six months after the Commission originally requested an interview.

From the outset of the interview, Drought displayed a dismissive and guarded demeanor. He asked for the interview to “move along quickly” and frequently responded with non-answers or vague generalities. When asked about the bidding process for the contract, he stated, “That’s above my pay grade,” despite his title and formal role in contract oversight.

Drought refused to discuss internal decision-making, claiming, “We’re a private company. I don’t see why I need to tell you how we do business.” When pressed on whether he was aware of

Oakridge's ownership stake in the company during the contract period, Drought first said he "wasn't sure," then later claimed, "That's public information, isn't it? If he had something, he disclosed it. That's between him and the state." Drought did not respond to a question asking if he had any communication with Oakridge during the contracting process with the state. He repeatedly emphasized that the company "followed what we were told" and avoided any direct acknowledgment of preferential treatment.

When asked about any communications he may have had with Pine during the legislative process, Drought stated, "I don't deal with politicians." However, records later obtained by the Commission indicated that Drought had in fact corresponded with Pine via email on at least three occasions in early 2023. Confronted with this inconsistency, Drought said, "If I did, it wasn't about anything important." He declined to provide any internal documents or emails from the company regarding the forest creation program. The interview ended abruptly when Drought stood up and declared, "I think we're done here," before walking out of the room.

6. Interview with Director Spruce Oakridge

Oakridge was interviewed regarding his administration of the forest creation program, his relationship with Pine, and his financial interest in the Giving Tree Co. Oakridge began the interview by emphasizing his long-standing career in public forestry and his passion for reforestation. He admitted to holding equity in the Giving Tree Co. but claimed he had recused himself from daily operations and was only a passive investor. Oakridge later admitted he owns 55% of the Giving Tree Co.

When asked about the awarding of the contract, Oakridge argued that the company was uniquely qualified to execute the projects quickly and effectively. He maintained that the exemption under Bill 1000 allowed for this direct contracting and insisted that he consulted with legal counsel within the department before proceeding. However, he could not provide written documentation of such consultations and Commission staff was not able to corroborate the alleged consultations. Oakridge also contended that the urgency of the planting season necessitated rapid action that traditional procurement methods could not accommodate.

Oakridge was also asked directly about his interactions with Pine. He acknowledged they discussed the bill informally but denied offering any bribe or inducement. When confronted with evidence presented during the criminal proceedings, he stated that he accepted the plea deal to "put the matter behind him" and continue serving the public in some capacity. He appeared remorseful but also suggested confusion on the boundaries for public officials involved in both policy-making and enterprise development.

III. ETHICS LAW

A. North Dakota Constitution Article XIV and Commission Investigations

A Report and Recommendation will include a legal background on the Commission's constitutional authority.

B. Ethics Commission Conflict of Interest Rules

A Report and Recommendation will include a legal background on the relevant ethics laws that apply. For this problem, it is the Commission's conflict of interest rules.

In October 2022, following its constitutional directive and mission statement, the Commission adopted rules for disclosing and managing conflicts of interest in state government.⁵ The rules apply to all public officials, as defined by N.D. Const. art. XIV, § 4(2). The conflict-of-interest rules require public officials to disclose known potential conflicts of interest when the “public official as part of the public official’s duties must make a decision or take action in a matter.”⁶ A potential conflict of interest can exist when a public official has “received a gift from one of the parties,” “a significant financial interest in one of the parties or in the outcome of the proceeding,” or “a relationship in a private capacity with one of the parties.”⁷

A “significant financial interest” is defined as “a direct and substantial in-kind or monetary interest, or its equivalent, not shared by the general public; however, [it] does not include investments in a widely held investment fund, such as mutual funds, exchange-traded funds, participation in a public employee benefits plan, or lawful campaign contributions.”⁸

A “relationship in a private capacity” is defined as:

a past or present commitment, interest or relationship of the public official in a matter involving the public official’s immediate family, individual’s residing in the public official’s household, the public official’s employer, or employer of the public official’s immediate family, or individuals with whom the public official has a substantial and continuous business relationship.⁹

Once a public official identifies and discloses a potential conflict of interest, the public official can either recuse or use the Commission’s neutral reviewer process to evaluate the potential conflict.¹⁰ The default individual(s) serving as the neutral reviewer is (are) identified in the Commission’s

⁵ See generally N.D. Admin. Code ch. 115-04-01.

⁶ N.D. Admin. Code §§ 115-04-01-01(2), 115-04-01-02(2).

⁷ N.D. Admin. Code §§ 115-04-01-01(2), 115-04-01-02(2).

⁸ N.D. Admin. Code § 115-04-01-01(8).

⁹ N.D. Admin. Code § 115-04-01-01(7).

¹⁰ N.D. Admin. Code §§ 115-04-01-02(5), 115-04-01-03.

rules.¹¹ If the neutral reviewer process is used, the neutral reviewer evaluates whether a potential conflict of interest creates a disqualifying conflict of interest.¹²

To make the determination if a potential conflict of interest creates a disqualifying conflict of interest, the neutral reviewer must analyze five standards.¹³ The standards are:

- (1) Appropriate weight and proper deference must be given to the requirement that a public official perform the duties of elected or appointed office, including the duty to vote or otherwise act upon a matter, provided the public official has properly disclosed the potential conflict of interest as required by this rule.
- (2) A decision that requires a public official to recuse or abstain from further action or decision in a matter should only occur in cases where the independence of judgment of a reasonable person in the public official's situation would be materially affected by the disclosed potential conflict of interest.
- (3) The review of a potential conflict of interest and any decision that would require a public official to recuse themselves or abstain from further involvement in a matter shall consider any applicable North Dakota law which precludes the public official from recusal or abstention in the matter.
- (4) It is presumed that a public official does not have a disqualifying conflict of interest if the public official would not derive any personal benefit which is greater than that accruing to any other member of the general public or any general business, profession, occupation, or group affected by the matter.
- (5) Any guidance issued by the ethics commission, including informal guidance, advisory opinions, rules, standards, and precedent.¹⁴

The neutral reviewer can conclude with one of two options:

- (1) The potential conflict of interest does not constitute a disqualifying conflict of interest, and the public official may participate in the matter; or
- (2) The potential conflict of interest does constitute a disqualifying conflict of interest, and the public official shall recuse himself and abstain from

¹¹ N.D. Admin. Code § 115-04-01-01(5).

¹² N.D. Admin. Code § 115-04-01-03(2).

¹³ N.D. Admin. Code § 115-04-01-03(7).

¹⁴ *Id.*

participating in the matter.¹⁵

Following the neutral reviewer's decision, a public official is required to fill out and file the Commission's online form to create a record of the disclosure and management of the potential conflict of interest.¹⁶ Under the Commission's rules, "Any agency, office, commission, board, or entity subject to these rules may adopt conflict of interest rules that are more restrictive than these rules but may not adopt conflict of interest rules that are less restrictive."¹⁷

C. Bribery N.D.C.C. § 12.1-12-02

If the Commission makes a criminal referral in a complaint matter, the potential criminal violations may relate to "transparency, corruption, elections, and lobbying." In the event of a guilty verdict or a plea agreement, the Commission can take official notice of the verdict/plea to show an ethical violation. The Report and Recommendation will include an explanation of any such criminal laws resulting in a guilty verdict/plea.

D. Sanctions for Ethical Violations

A Report and Recommendation will include an explanation of any sanctions that may be imposed for an ethical violation by law.

IV. ANALYSIS AND RECOMMENDATION TO THE COMMISSION

Oakridge is a public official, as the appointed director of the Department of Forest Creation in the executive branch. The Commission's investigation focused on determining whether Oakridge had a potential conflict of interest and the facts surrounding the potential conflict of interest. The facts of the investigation support a finding of three ethical violations by Oakridge, including an undisclosed potential conflict of interest on two occasions. The remaining ethical violation is through recognition of the criminal violation, as Oakridge pleaded guilty to in court.

A. Analysis of Director Oakridge's Conduct

1. Ethical Violation One

Oakridge advocated for Bill 1000 in his capacity as director of the Department of Forest Creation during the 2023 legislative session. Oakridge's failure to declare a potential conflict of interest as he advocated for Bill 1000 violated the Commission's conflict of interest rules.

Oakridge owns a 55% interest in the Giving Tree Co., which was the contractor for the forest creation program. Oakridge knew the program would direct a state contract to the Giving Tree Co.,

¹⁵ N.D. Admin. Code § 115-04-01-03(3).

¹⁶ N.D. Admin. Code § 115-04-01-04.

¹⁷ N.D. Admin. Code § 115-04-01-05.

as evidenced by Elm’s statement that Oakridge reassured legislators the Department of Forest Creation “a trusted partner ready to implement” the program.

The Commission’s conflict of interest rules required Oakridge to declare a potential conflict of interest before he took action to advocate for Bill 1000 on behalf of the Department of Forest Creation. Oakridge had a significant financial interest in the outcome of the legislation because it would direct business and funding to his company, the Giving Tree Co. This interest is a direct and substantial monetary interest not shared by the general public. Oakridge failed to declare a potential conflict of interest before advocating for the bill on behalf of the Department of Forest Creation. Instead, Oakridge worked to get the legislation passed, which funded the contract with the Giving Tree Co.

2. Ethical Violation Two

As director of the Department of Forest Creation, Bill 1000 tasked Oakridge with administering the forest creation program. Oakridge’s failure to declare a potential conflict of interest before he administered the program with the Giving Tree Co. violated the Commission’s conflict of interest rules.

Oakridge owns a 55% interest in the Giving Tree Co., which was the contractor for the forest creation program. Oakridge knew by administering and overseeing the program on behalf of the Department of Forest Creation, the program would direct business and funding to his own company. This interest is a direct and substantial monetary interest not shared by the general public.

The Commission’s conflict of interest rules required Oakridge to declare a potential conflict of interest before he made a decision and took action to oversee and administer the program with the Giving Tree Co. on behalf of the Department of Forest Creation. Oakridge had a significant financial interest in a party to the program, the Giving Tree Co. Oakridge failed to declare a potential conflict of interest before administering the program on behalf of the Department of Forest Creation. Instead, Oakridge oversaw state funds being directed to his company.

3. Ethical Violation Three

A Report and Recommendation would analyze how a guilty plea to a violation of N.D.C.C. § 12.1-12-02, bribery, is a violation of a law related to corruption and transparency.

4. Aggravating and Mitigating Factors

A Report and Recommendation will offer additional aggravating and mitigating factors from the investigation for the Commission to consider.

B. Investigation Complications

A Report and Recommendation will expand on the investigation complications listed in the investigation summary.

C. Recommendation for Resolution of the Complaints¹⁸

Pursuant to N.D. Admin. Code § 115-02-01-07, the executive director recommends the Commission adopt and issue the proposed order, which has been attached to this Report and Recommendation as Attachment 7. By adopting and issuing the proposed order, the Commission will:

- (1) Find Oakridge, an appointed public official in the executive branch, is a public official subject to the Ethics Commission's authority under N.D. Const. art. XIV, §§ 3(2), 4(2);
- (2) Find Oakridge engaged in an ethical violation on or around January 2023 by failing to disclose a potential conflict of interest before advocating for Bill 1000 in his capacity as director of the Department of Forest Creation during the 2023 legislative session;
- (3) Find Oakridge engaged in an ethical violation on or around September 2023, by failing to disclose a potential conflict of interest before administering the forest creation program with the Giving Tree Co.;
- (4) Take official notice of Oakridge's guilty plea finding Oakridge violated a criminal statute related to transparency and corruption, N.D.C.C. § 12.1-12-02; and
- (5) Conclude the complaint matter and resolve the complaints against Oakridge.

V. CONCLUSION

A Report and Recommendation will have a concluding paragraph.

¹⁸ Attachment 5 provides a sample prehearing acknowledgment and stipulation. Attachment 6 provides a sample order setting the final hearing.

MOCK COMPLAINT

COMPLAINT

NORTH DAKOTA ETHICS COMMISSION

SFN 61868 (2-2024)

Case Number

Before filling out this form, please read the following:

- Complaints filed with the Commission are confidential until and unless the Commission determines a violation occurred.
- The Commission can only consider complaints against a lobbyist, public official, candidate for statewide public office including legislative assembly, an elected or appointed official of the state's executive or legislative branch, members of the Ethics Commission, members of the governor's cabinet, or employees of the legislative branch.
- We have no authority to investigate personnel matters. These include grievances, appointments, promotions, reprimands, suspensions, dismissals, harassment, and discrimination.
- We have no authority over city or county officials, employees of the state's executive branch or members of the state's judicial branch.

If you have questions about this form or would like to request the form in an alternate format, contact the Ethics Commission at (701) 328-5325. We will take reasonable steps to accommodate your needs.

CONTACT INFORMATION

You are required to provide your name, address, and contact information in order to process this complaint and to keep you updated on the progress of our investigation, or to consult with you regarding the details of your complaint if it is approved for investigation. Prior to submitting this complaint, you will have the option to request that your identity remain confidential.

Name	John MistleDoe
Phone Number 1	(701) 555-0000
Phone Number 2	
Email	ethicscommission@nd.gov
Address	1234 Ash Lane Oakes, North Dakota, 58474

File a separate complaint for each individual you complain against.

COMPLAINT DETAILS

1a. Name of Person the Complaint is Against Director Spruce Oakridge

Attachment

1

1b. Job Title or Position

Director, Department of Forest Creation

2. Date(s) of the Alleged Violation(s) January - October 2023**3. How has this person violated laws or rules related to ethics? Please provide as much information about the alleged violation as possible. Please be specific and provide details. Speculation of a violation is insufficient.**

Director Oakridge oversees a legislatively enacted program to plant trees and create new forests in North Dakota. Director Oakridge owns the Giving Tree Co., which made a lot of money on the program. He definitely had a conflict of interest!

I think Director Oakridge also bribed legislator Elmer Pine to bring the bill in the legislature.

Attach supporting documentation to support your claim specified in Item 3**4. If known, indicate which law, rule or other legal requirement you believe has been violated.**

Bribery, conflicts of interest

5. Provide information for anyone else who may have information regarding this complaint:

Contact Name	Phone Number	Email Address	Address
Piney Needles			
Representative Elmer Pine			

6. Has the conduct you describe above been the subject of a prior complaint?

Unknown

Explain Prior Complaint**7. Describe any other information the Ethics Commission should know about this complaint:**

8. Under Section 54-66-05(3) of the North Dakota Century Code, the Ethics Commission may not release your name or address to the accused individual without your authorization. We ask that you indicate whether you authorize the Ethics Commission to release your name and address to the accused individual.

You should know that if you choose to keep your name and address confidential from the accused individual, any statement(s) in your complaint may not be used as evidence of a violation.

You should also know that if you choose to keep your name confidential, but you otherwise disclose or share information that identifies you as a complainant, the Commission may share your name with the individual.

Confidentiality Option:

I wish my name and address to remain confidential at this time.

Certification

I certify that the information provided in this complaint is true, correct, complete, and of my own personal knowledge. I will fully cooperate in the process regarding this complaint.

Signature (typed name is acceptable) John MistleDoe

Date Monday, April 21, 2024

Initial Review Completion Report

Mock Case No. 25-00

Respondent: Director Spruce Oakridge

1. Personal Jurisdiction

- ☒ The Ethics Commission has authority over the respondent because he/she is a:
- ☒ public official (i.e. elected or appointed executive, legislative, or Ethics Commission official) [Director of the Department of Forest Maintenance](#)
 - ☐ candidate for statewide or legislative office
 - ☐ lobbyist
 - ☐ legislative or Ethics Commission employee
- ☐ The Ethics Commission does not have authority over the respondent.

2. Subject-Matter Jurisdiction

- ☒ The Ethics Commission has authority over the alleged conduct. [The complaint raises allegations of conflicts of interest and also references bribery.](#)
- ☒ At this time, the allegations implicate a criminal violation under N.D.C.C. §§ 12.1-12-01 and 12.1-12-05, and the Commission should discuss the matter at its next meeting for potential criminal referral under N.D.C.C. § 54-66-08. [Allegations corroborated by publicly available information. See below.](#)
- ☐ The Ethics Commission does not have authority over the alleged conduct.

3. Next Steps

- ☐ The complaint will move into the informal resolution stage. All parties will be offered the opportunity to informally resolve the complaint.
- ☐ Staff will recommend the Ethics Commission summarily dismiss the



complaint at its next meeting.

- ☒ Further review will pause until the Ethics Commission has an opportunity to discuss a potential criminal referral.

4. Additional Information

Section 54-66-08(2), N.D.C.C., requires the Commission to criminally refer matters when the Commission “believes a complaint contains allegations of criminal conduct.” Based on this directive, Commission staff looked to corroborate the allegations in the complaint with publicly available information since no supporting evidence was submitted with the complaint. Commission staff requested the contract for the forest creation program, which showed it was signed by the state with the Giving Tree Co. Commission staff also requested Oakridge’s most recent statement of interests filed with the secretary of state, which revealed he did own an interest in the Giving Tree Co. Commission staff also requested Pine’s most recent statement of interest, which he had recently updated for the 2024 election. Pine’s statement of interest also revealed he owned an interest in the Giving Tree Co.

This report was completed by General Counsel Logan Carpenter on April 22, 2025



Informal Resolution Request Form

The North Dakota Ethics Commission has completed its initial review of Complaint No.

At this time, the Commission is required to offer the parties an opportunity to informally resolve the complaint pursuant to N.D.C.C. § 54-66-07 and N.D. Admin. Code § 115-02-01-05. Please check your response below regarding informal resolution of the complaint:

I wish to engage in informal resolution of the complaint:

**I do not wish to engage in informal resolution of the complaint,
but instead to proceed to investigation according to
N.D. Admin. Code § 115-02-01-06:**

If you wish to engage in informal resolution of the complaint, please provide the additional information requested below.

1. Would you be amenable to holding a virtual informal resolution conference via Zoom or Microsoft Teams?

Yes

No

Prefer in person

2. Are there any scheduling conflicts or accommodations the Commission should be made aware of before proceeding with an informal resolution conference?



- 3. Are you aware of any issues that you believe would prevent or preclude informal resolution of the complaint? Please be as candid as possible with the Commission in responding to this question.**
- 4. Please provide your opinion of what a reasonable resolution of the complaint would be.**

Name (Printed):

Signature:

Date:

Please email this completed form to: ethicscommission@nd.gov

Or mail to:

North Dakota Ethics Commission
600 E Boulevard Avenue, Dept 195
Bismarck, ND 58505



January 13, 2025

Via Email Only

Mr. Spruce Oakridge
Director, Department of Forest Maintenance
600 E Boulevard Ave
Bismarck, ND 58505

Re: Investigation of Complaint filed with the Ethics Commission (No. 24-00)

Dear Director Oakridge:

This letter is to notify you the North Dakota Ethics Commission ("Commission") has initiated an investigation of the complaint filed against you pursuant to N.D. Const. art. XIV, § 3(2), N.D. Admin. Code § 115-02-01-06, and N.D.C.C. § 54-66-08. The complaint relates to allegations you oversaw the forest creation program, bribed a legislator to create the program, and personally benefited from overseeing the program. An investigation begins when the complaint is not informally resolved. On January 12, 2025, informal resolution concluded after the complainant and you were unable to agree on terms of resolution.

The investigation will be conducted by the Executive Director and Commission staff. You may be asked to provide information or documentation during the investigation regarding the complaint. After completion of the investigation, the Executive Director then prepares an investigation report and recommendation for the Commission's consideration, which will be provided to you. You will have an opportunity to respond to the investigation report either in writing or in person before the Commission.

The Commission ultimately determines whether a violation of Article XIV of the North Dakota Constitution, North Dakota Century Code chapter 54-66, or another law or rule regarding transparency, corruption, elections, or lobbying occurred. The Commission determines what penalty may be imposed. However, the Commission may refer the matter to another agency with enforcement authority over a violation. You and others will be provided information regarding the Commission's decision as permitted under applicable North Dakota law.

During the investigation process, information revealing the contents of the complaint, information that reasonably may be used to identify you as the respondent, and information relating to or created as part of the investigation is confidential as defined in North Dakota Century Code section 44-04-17.1. If you have any questions or concerns during the investigation, please do not hesitate to contact the Commission's office.

600 E Boulevard Ave, Dept 195
Bismarck, ND 58505

(701) 328-5325
ethicscommission.nd.gov

<https://www.ethicscommission.nd.gov/>
MOCK COMPLAINT

Attachment

4



Sincerely,

Logan Carpenter
General Counsel, North Dakota Ethics Commission



ETHICS COMMISSION PREHEARING ACKNOWLEDGMENT AND STIPULATION

Complaint No(s) 24-00

Respondent Director Spruce Oakridge, Department of Forest Creation

The information provided below sets out the North Dakota Ethics Commission's ("Commission") process to resolve complaint matters once a report and recommendation has been completed.

Disclaimer

The Commission's legal counsel, its executive director, and its staff represent the Commission and are not your attorney. No attorney-client relationship is formed by the Commission, its legal counsel, its executive director, or its staff discussing this complaint matter with you. The purpose of these discussions between you and the Commission, its legal counsel, its executive director, and its staff are to resolve the pending complaint matter. These communications are in no way subject to attorney-client privilege. If you need legal advice, please seek your own counsel.

Investigation – Report and Recommendation

The Commission has completed its investigation of the complaint(s) filed against you. A written report and recommendation has been prepared for the Commission by the executive director with the assistance of Commission staff. The report and recommendation contains the findings of the investigation as required by N.D.C.C. § 54-66-09 and N.D. Admin. Code § 115-02-01-07.

The report and recommendation will be provided to you and your attorney in this matter (if applicable). The report and recommendation shall be provided "at least ten calendar days prior to any special or regular commission meeting at which the report and recommendation will be considered by the commission in executive session." N.D. Admin. Code § 115-02-01-08.

Investigation File – Record

Throughout the investigation, Commission staff created a file containing the evidence used for the report and recommendation. The file may include recordings of witness interviews, documents, and other records. It will be organized and provided to you with the report and recommendation as authorized by North Dakota law.

The Commission's investigation file and any response you provide for the file will become the record for the complaint(s). If you would like to add files or documents to the record, please submit them as attachments with your written response to the report and recommendation. The record will reflect the additions were made by you as the respondent.

Written Response to Report and Recommendation

You are permitted and encouraged to provide a written response to the report and recommendation. Any written response must be provided five days prior to the Commission meeting where the report

and recommendation is considered. N.D. Admin. Code § 115-02-01-08. The response must be submitted through the Commission's office and not directly to the Commission. *Id.*

The Commission understands additional time to respond may be necessary. If you need additional time, please send a written request to the Commission's office. The Commission's chair will determine whether to grant you additional time to respond. *Id.*

In-Person Response to Report and Recommendation

You are also permitted and encouraged to provide an in-person response to the report and recommendation. If you are represented by an attorney in this matter, your attorney may accompany you. N.D. Admin. Code § 115-02-01-08(2). If you elect to respond in-person, you will receive instructions on how to appear physically or via reliable electronic means. Commission staff will work with you to identify a mutually agreeable date for any in-person response.

Service

The report and recommendation will be provided to you in print copy and the investigation file will be sent to you electronically via the email address you provide to Commission staff. Your written response, attachments, or any other requests or communications may be sent via email to ethicscommission@nd.gov or via mail to:

North Dakota Ethics Commission
600 E Boulevard Ave, Dept 195
Bismarck, ND 58505

Commission Meeting and Hearing on the Complaint(s)

North Dakota law requires the Commission to hold the portion of the special or regular meeting where the report and recommendation is considered in executive session. N.D.C.C. § 54-66-09(1). The meeting will be audio recorded. It may be video recorded at the Commission's discretion or if taking place via reliable electronic means. If you will need special facilities, auxiliary aids, or assistance relating to a disability, please contact the Commission's office at least five days prior to the special or regular meeting.

During the special or regular meeting, the Commission will conduct a hearing on the complaint(s). The Commission's chair or the chair's designee "shall determine the order of presentations and the time allotted to the respondent." N.D. Admin. Code § 115-02-01-08(2). The Commission's chair or the chair's designee "shall also determine any other procedural matters necessary for an orderly conduct of the commission meeting." *Id.* The Commission's chair or the chair's designee reserves the ability to change the procedure and time allotted under the above rule. However, the standard procedure and allotted time is as follows:

- (1) Presentation by the executive director and Commission staff – 30 minutes

- (2) Presentation by the respondent – 45 minutes
- (3) Rebuttal by the executive director and Commission staff – 15 minutes

Commission staff will work with you to determine if additional time will be needed at the hearing. If you expect to call witnesses at the hearing, please provide a witness list at least five days before the special or regular meeting to the Commission's office.

The Commission will meet in executive session outside the presence of the executive director, Commission staff assisting the executive director with the investigation, the respondent, and the respondent's attorney (if applicable) to deliberate on the complaint(s). N.D. Admin. Code § 115-02-01-08. The Commission can and will consider the entire record, the report and recommendation, and any response provided by you as the respondent. The Commission is not "bound by the rules of evidence or procedure under North Dakota or federal law." N.D. Admin. Code § 115-02-01-10.

Finding of the Commission and Appeal Timeline

The Commission will "determine whether a violation of article XIV of the Constitution of North Dakota, [N.D.C.C. ch. 54-66], or another law or rule regarding transparency, corruption, elections, or lobbying occurred." N.D.C.C. § 54-66-09; *see also* N.D. Admin. Code § 115-02-01-08(3). You will be notified of the Commission's determination. The Commission's determination may include imposing a penalty authorized by North Dakota law or a referral to the "agency with enforcement authority over the violation." N.D.C.C. § 54-66-09(2); N.D. Admin. Code § 115-02-01-08(3).

You may appeal a finding of the Commission to the district court of the county where you are a resident within thirty days after notice of the Commission's finding. N.D. Admin. Code § 115-02-01-09. As authorized by North Dakota law, the finding of an ethical violation and the record for the complaint(s) will become open records after this thirty-day timeline has concluded, or, if appealed, upon a determination by the district court affirming the finding of an ethical violation. N.D.C.C. § 54-66-12(1); N.D. Admin. Code § 115-02-01-09. If the Commission determines no ethical violation occurred, the complaint(s), the report and recommendation, any response by the respondent, and the record for the complaint(s) will remain confidential. N.D.C.C. § 54-66-12.

Certification

I certify I have received, read, and understand the procedures outlined. I further agree to abide by the procedures and guidelines specified in the *Ethics Commission Prehearing Acknowledgment and Stipulation* above.

[Signature Page Follows]



FOR THE RESPONDENT:

Name and Title (Please Print)

Signature

Date

FOR THE EXECUTIVE DIRECTOR:

Name and Title (Please Print)

Signature

Date

Before the North Dakota Ethics Commission

In the Matter of:
Director Spruce Oakrdige

ORDER SETTING HEARING

Complaint No. 24-00

The North Dakota Ethics Commission (“Commission”) has completed its investigation in this complaint matter. The Commission must hold a special or regular meeting to conduct a hearing on the complaint matter in executive session. N.D.C.C. § 54-66-09; N.D. Admin. Code § 115-02-01-08. The Commission’s chair or the chair’s designee shall “determine the order of presentations and the time allotted to the respondent.” N.D. Admin. Code § 115-02-01-08(2).

To assist the Commission with setting the hearing, the executive director and the respondent previously met and conferred. The Commission sets the hearing as follows:

- (1) **Hearing Officer:** Chair Dave Anderson
- (2) **Hearing**
 - (a) Date: May 6, 2025
 - (b) Time: 1:30 PM
 - (c) Location: Lecture Room B, North Dakota Heritage Center & State Museum, Bismarck, ND
- (3) **Presentation Time**
 - (a) Executive Director: Initial – 30 minutes, rebuttal – 15 mins
 - (b) Respondent: 45 minutes

Dated this 2nd day of April, 2025.

Dave Anderson, Chair
North Dakota Ethics Commission

Before the North Dakota Ethics Commission

In the Matter of:
Director Spruce Oakridge

**ORDER ADOPTING
REPORT AND RECOMMENDATION**

Complaint No. 24-00

On April 21, 2024, the North Dakota Ethics Commission (“Commission”) received a complaint against Director Spruce Oakridge from the Department of Forest Creation. The complaint generally alleges Director Oakridge had a conflict of interest in the forest creation program and bribed a legislator to bring a bill creating the program in 2023. The Commission initially reviewed the complaint and based on the allegations and corroborating information, believed two criminal statutes may have been violated: (1) bribery under N.D.C.C. § 12.1-12-01; and (2) trading in special influence under N.D.C.C. § 12.1-12-05. The Commission then made the required criminal referral to the state’s attorney with jurisdiction over the matter pursuant to N.D.C.C. § 54-66-08(2).

The state’s attorney reviewed the matter over the course of four months. The state’s attorney charged Oakridge with violations of the two criminal statutes. Oakridge pleaded guilty to one of the charges, bribery under N.D.C.C. § 12.1-12-02. On November 6, 2024, Oakridge was sentenced to fourteen days in jail. Following the criminal case, the Commission resumed its review of the complaint on December 6, 2024 pursuant to N.D.C.C. § 54-66-08(2).

The Commission offered both the complainant and Director Oakridge an opportunity for informal resolution as required by N.D.C.C. §§ 54-66-05, 54-66-07 and N.D. Admin. Code §§ 115-02-01-03, 115-02-01-05. Both the complainant and Director Oakridge agreed to participate in informal resolution and the Commission attempted to mediate a settlement. However, while the parties made good faith negotiations, they were ultimately far apart on how they wished to resolve the complaint. As a result, the Commission moved the complaint into an investigation.

Commission staff concluded the investigation and provided Director Oakridge and the Commission with the Report and Recommendation required by N.D.C.C. § 54-66-09 and N.D. Admin. Code § 115-02-01-07.

After providing Director Oakridge reasonable time to respond to the Report and Recommendation, the Commission considered the record in this matter and adopts the Report and Recommendation in its entirety. N.D.C.C. § 54-66-09; N.D. Admin. Code § 115-02-01-08. By adopting the Report and Recommendation the Commission finds and orders:

- (1) Oakridge, an appointed public official in the executive branch, is a public official subject to the Ethics Commission's authority under N.D. Const. art. XIV, §§ 3(2), 4(2);
- (2) Oakridge engaged in an ethical violation on or around January 2023 by failing to disclose a potential conflict of interest before advocating for Bill 1000 in his capacity as director of the Department of Forest Creation during the 2023 legislative session;
- (3) Oakridge engaged in an ethical violation on or around September 2023, by failing to disclose a potential conflict of interest before administering the forest creation program with the Giving Tree Co.; and
- (4) Oakridge pleaded guilty to a violation of a criminal statute related to transparency and corruption, N.D.C.C. § 12.1-12-02.

Upon the record becoming open in this matter, the Commission further orders:

- (1) The complaint matter is concluded and the complaints against Director Oakridge are resolved.

IT IS SO ORDERED.

Dated this 6th day of May, 2025.

Dave Anderson, Chair
North Dakota Ethics Commission