

North Dakota Ethics Commission Special Meeting

Minutes of November 18, 2022

MS Teams

1. **Call to Order:** The meeting was called to order by Chairman Paul Richard at 11:00?? a.m. The following members of the Ethics Commission were also present: Vice Chair David Anderson, Commissioners Ron Goodman, Ward Koeser, and Cynthia Lindquist, Legal Counsel Allyson Hicks, Executive Director Rebecca Binstock, and Office Manager Holly Gaugler.
2. **Agenda and Instructions for Special Meeting:** Chair Richard reminded the Commission that discussion for the meeting is limited to the agenda items which includes discussion of Complaint No. 22-011 and a request for advisory opinion dated November 11, 2022, and no other matters may be discussed.
3. **Discussion of Advisory Opinion Request No. 22-02:** The Commission agreed to discuss Advisory Opinion Request No. 22-02 in open session to promote transparency and provide information and guidance.

Motion: Commissioner Goodman moved to discuss Advisory Opinion Request No 22-02 in open session. Motion was seconded by Commissioner Lindquist. Chair Richard called for a roll call vote. The motion was approved by unanimous roll call vote.

As an exempt record, the Commission discussed whether the identity of the requester would be a closed record or a record accessible to the public.

Motion: Commissioner Anderson moved to make the identity of the requester in Advisory Opinion Request No 22-02 an open record and accessible to the public. Motion was seconded by Commissioner Koeser. Chair Richard called for a roll call vote. The motion was approved by unanimous roll call vote.

The Commission discussed whether they would direct Executive Director Binstock to draft an opinion for the Commission's approval. The Commission agreed that a draft should be prepared by Executive Director Binstock to be reviewed by the Commission at a future regular meeting. Executive Director provided an overview of the request. The Commission agreed that the request was appropriate under the Commission's statute and rules and a drafted opinion should be prepared by the Executive Director for the Commission's review.

Motion: Commissioner Koeser moved to direct Executive Director Binstock to draft an advisory opinion to address Advisory Opinion Request No 22-02 for the Commission's review. Motion was seconded by Commissioner Lindquist. Chair Richard called for a roll call vote. The motion was approved by unanimous roll call vote.

4. **Executive Session:** The Commission entered executive session at 11:22 a.m. to discuss Complaint 22-011. The authority for closing this portion of the meeting is N.D.C.C. §§ 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. Included in executive session: Chair Richard, Vice Chair Anderson, Commissioners Goodman, Koeser and Lindquist, Legal Counsel Allyson Hicks, Executive Director Rebecca Binstock, and Office Manager Holly Gaugler.
5. **Action on Complaint 22-011:** The Commission returned from executive session at 11:42 a.m. The following motion was made based on discussion in executive session on Complaint 22-011:

Motion: Commissioner Anderson moved to direct Executive Director Binstock to summarily dismiss Complaint 22-011. Motion was seconded by Commissioner Goodman. Chair Richard called for a roll call vote. The motion was approved by unanimous roll call vote.

6. **Adjourn:** Meeting adjourned at 11:46 a.m.

Approved on 11/30/2022

Rebecca Binstock, Executive Director, North Dakota Ethics Commission

