

## North Dakota Ethics Commission Meeting

Minutes of May 26, 2021

Live Stream MS Teams

1. The meeting was called to order by Chair Ron Goodman, at 9:05 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. Also present was Karilynn Berger, Information Technology Program Administrator for NDIT.
2. The agenda was discussed for this meeting with no additions.
3. The minutes of the 21 April 2021 meeting were discussed with no changes.

**Motion:** Commissioner Koeser moved to approve the minutes of April 21, 2021 with no corrections. Motion was seconded by Commissioner Anderson. 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 April 30, 2021. Gaugler reported April 2021 expenditures of \$22,291 and biennium to date expenditures of \$387,260 with a remaining budget of \$129,895. Gaugler also reported projected expenditures for the remainder of the biennium (May 1, 2021 through June 30, 2021) at an estimated \$45,344 which would leave an approximate ending balance of \$85,000 on June 30, 2021. Gaugler also gave a brief overview of the 2021-23 biennial budget as passed by the 2021 Legislature. The Ethics Commission initial budget request was \$642,005 and House Bill 1024 was passed at \$623,984. A reduction of \$30,000 in operating costs in HB 1024 will most likely be offset by reducing budgeted travel, investigative and salary costs.
5. Executive Director Thiele further discussed the final budget as passed and the savings that will be pursued to overcome any shortfalls. Thiele also discussed the interim committee's review and study of possible lease option changes for the future. Thiele provided an overview of legislative changes in HB 1043 and HB 1295 and the provisions that harmonized the constitution and state statute. Thiele gave an update on complaints, general inquiries, and numerous public inquiries regarding gift rules and notices of gift events.
6. Executive Director Thiele walked the Commission through and explained the draft changes to existing complaint rules due to legislative changes in HB 1043.

**Motion:** Commissioner Richard moved to approve the draft complaint rules as presented by Executive Director Thiele. This motion was seconded by Commissioner Koeser. Chair Goodman called for a roll call vote. The motion was passed unanimously.

7. Executive Director Thiele walked the Commission through and explained the draft changes to existing gift rules due to legislative changes in HB 1043 and HB 1295 and the addition of a de minimis rule previously discussed at the April 21, 2021 Commission meeting. The de minimis rule includes allowing food or beverage with a value of ten dollars (\$10) or less, excluding gratuity, purchased for a public official in conjunction with an informal social and educational event.

**Motion:** Commissioner Richard moved to approve the draft gift rules as presented by Executive Director Thiele. This motion was seconded by Commissioner Lindquist. Chair Goodman called for a roll call vote. The motion was passed unanimously.

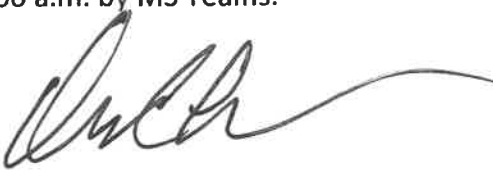
8. The Commission discussed ND Constitution Article XIV Section 2(5) and May 25, 2021 memo regarding quasi-judicial proceedings from legal counsel Allyson Hicks. After extensive discussion, the Commission agreed that quasi-judicial ethics would be a subsection of the conflict-of-interest rules. Commissioner Richard and Executive Director Thiele will provide draft conflict-of-interest rules at the next Commission meeting.

9. Further business items:

- a. Executive Director Thiele updated the Commission on the selection process for two commission positions expiring in August 2021. He has contacted the Governor and the Senate Majority and Senate Minority Leaders. The Governor will be meeting with both Senators to determine the appropriate process.
- b. Thiele will provide the Commission with a draft process for issuing advisory opinions at the next meeting.
- c. Chair Goodman recommended Thiele and one other Commissioner attend the fall COGEL conference in Colorado.
- d. The Commission set additional 2021 meeting dates as follows: July 28<sup>th</sup>, August 25<sup>th</sup>, September 22<sup>nd</sup>, October 20<sup>th</sup>, November 17<sup>th</sup> and December 15<sup>th</sup>.

Commission, having no further business, was adjourned at 10.58 a.m. The next meeting is tentatively scheduled for June 23, 2021 at 9:00 a.m. by MS Teams.

Approved on

29th, 2021 

Dave Thiele, Executive Director, North Dakota Ethics Commission