



North Dakota Ethics Commission Regular Meeting

Minutes of July 16, 2025

600 E Boulevard Ave, Room 321, Bismarck and MS Teams

1. **Call to Order:** The meeting was called to order by Acting Chair Ward Koeser at 9:02 a.m. The following members of the Ethics Commission were also present: Commissioners Cynthia Lindquist, Ron Goodman, and Murray Sagsveen, Executive Director Rebecca Binstock, and General Counsel Logan Carpenter.
2. **Agenda Additions:** Commissioner Sagsveen requested to add discussion on inviting the Governor to join a Commission meeting. ED Binstock requested to table discussion on item No. 7, Discussion of Process for Investigating Relevant Information, until additional information is provided to the Commission. Chair Koeser added discussion on inviting the Governor to join a Commission meeting as item No. 11.5 and removed item No. 7.
3. **Executive Director's Report:**
 - ED Binstock provided a budget update through the end of June 2025 for the 2023-25 biennium budget. She noted that there may be changes to the June 2025 budget as final expenditures for the biennium come in. ED Binstock noted this is the last month for the 2023-25 biennium with the following totals: current appropriation for the 2023-2025 biennium is \$1,165,897, expenditures in May were \$53,851. Total expenditures for the current biennium have been \$1,130,969, leaving a remaining appropriation for the 2023-2025 biennium of \$34,927. ED Binstock presented an estimated ending balance for the biennium on June 30, 2025, at \$6,777.
 - Executive Director Rebecca Binstock advised that a more thorough update on filings would be provided to the Commission in August. She provided the following filing updates:

In June 2025, the Commission closed 9 complaints and has 55 pending complaints.
 - ED Binstock provided an update on policies and procedures. ED Binstock briefly discussed several policies.

1. The Commissioner Pay Policy - Commissioners are paid based on the policy outline which states that Commissioners are paid on a daily rate based on a full day or a half day.
 2. The Media Relations Policy – the individual that speaks on behalf of the Commission is the Executive Director. There is an option for the Executive Director to have a designee in conjunction with the Chair.
 3. The Request for Advisory Opinion Policy – When a request for an opinion is made, the Executive Director will consult the Chair when determining if an advisory opinion will be issued.
 4. The Fiscal Policy – allows the ED to expend up to \$1,000 of Commission funds without permission from the Commission.
 5. The Length of Officer Term Policy – Discussed last meeting and updated accordingly.
 6. The Computing Time Policy – This policy will be incorporated with the Complaint Rule. The Commission recently approved the Overtime and Compensatory Time Policy to allow for up to 80 hours of overtime pay and then compensatory pay.
 7. The Substitution Policy – this policy was put in place to manage conflicts of interest and allows for temporary substitution of the Executive Director, General Counsel, or any other attorney assisting with the conflict.
 8. The Records Retention Policy – was adopted last summer 2024, which complies with OMB.
 9. The Neutral Reviewer Policy – was adopted last fall, which identifies who becomes the neutral reviewer when a potential conflict of interest arises.
 10. The Annual Inventory Policy – pursuant to the auditing standards to ensure compliance. ED Binstock suggests revising and increasing the dollar amount for the asset inventory.
 11. Bonus policy – was recently adopted in accordance with OMB policies.
- ED Binstock provided a human resources update. ED Binstock notified the Commission of an offer being extended and accepted by an individual for the Operations

Administrator position. This individual will start at the beginning of August while OA Maier remains working temporarily during the evening to help with the transition and training.

- ED Binstock discussed temporary employment for contracting attorneys to help with the workload of GC Carpenter. ED Binstock discussed how this could potentially save the Commission money rather than paying for a contract SAAG. The Commission voiced approval for moving forward with looking into temporary employment.
 - ED Binstock provided an Annual Report update. ED Binstock requested that the Commission hold a Special Meeting before the next Regular Meeting to review the Annual Report, which is due August 29, 2025. Briefly discussed what will be included in the Annual Report such as the history, the members, operational highlights, fiscal reports, education and training, and legislative recommendations. The Commission provided feedback.
4. **Advisory Opinion Requests 25-04:** GC Carpenter provided an update on Advisory Opinion 25-04. This request was received from Representative Zac Ista and relates to a travel invitation to Israel he received. More information is needed, and GC Carpenter is continuing to work on this opinion. GC Carpenter recommended a Special Meeting may be necessary to approve the advisory opinion.
 5. **Brief on Proposed Travel Disclosure Rules:** Commissioner Sagsveen provided an update on the proposed travel disclosure rules hearing. During the hearing, Governor Armstrong provided comments regarding the travel disclosure rules. Comments are still being accepted until July 28, 2025, and the Commission may consider these comments during other meetings.
 6. **Brief of Proposed Complaint Rules Amendments:** ED Binstock provided an update on the complaint rules amendments. GC Carpenter drafted amended complaint rules to address time management standards, amended definitions, appeals of summary dismissals, criminal referrals, motions to dismiss, informal resolutions, issuance of an alleged violation, and proceedings for hearings. A notice requesting public comment was published over the past two weeks and a rules hearing on the amendments is set for September 9, 2025. During the next meeting, Commissioner Sagsveen will be suggesting amending the proposed complaint rule amendments to include summarily dismissing complaints based on complaints submitted in bad faith.

The Commission recessed at 10:10 a.m. and all Commission members reconvened at 10:20 a.m.

7. **Discussion of Process for Investigating Relevant Information:** This discussion was tabled.
8. **Discussion of Settlement Guidelines:** GC Carpenter provided an overview of the draft settlement guidelines for complaint resolution. Settlements are at the discretion of the Commission, and proposed settlements can happen at any time before the final hearing. The Commission can depart from the guidelines if it finds aggravating or mitigating circumstances. General guidelines are provided for all complaint matters. Separate guidelines and settlement schedule are provided for lobbyist gift violations, lobbying on elected officials, and lobbyist delivery of campaign contributions. The Commission discussed the proposed settlement guidelines and settlement schedules. Commissioner Goodman recommended after a third violation of lobbyist delivering of campaign contributions, a criminal referral would be made and not go beyond that. GC Carpenter will be making the recommended updates during a break and revisit this item to have the Commissioners vote.
9. **Update on Process for Appointment of Commissioners:** ED Binstock provided an update on the process for appointment of Commissioners. ED Binstock communicated with the Governor's office to touch base on the applicants for the vacancies. Roughly 20 applications have been received from applicants interested in serving as Commissioners. Applications are still being accepted through the Governor's website until August 8, 2025. Soon after, the Governor, Senate Majority Leader, and Senate Minority Leader will begin the process of selecting individuals to fill these vacancies.
10. **Discussion of Media Request:** Acting Chair Koeser provided an update on media requests. The Bismarck Tribune requested comment regarding a letter received by the Commission from the Attorney General. Acting Chair Koeser read the response to the Commissioners and is requesting a motion to be made to have one Commissioner be designated to evaluate the treatment of staff by external parties and take or recommend appropriate action to support a respectful, professional, and productive working environment for Commission staff.

Motion: Commissioner Sagsveen moved to designate Commissioner Goodman to evaluate the treatment of staff by external parties and take or recommend appropriate action to support a respectful, professional, and productive working environment for Commission staff and to coordinate with Commissioner Lindquist when appropriate. The motion was seconded by Commissioner Lindquist. Prior to the roll call, the Commissioners discussed the matter and maintaining

professionalism. Acting Chair Koeser called for a roll call vote. The motion was approved by unanimous roll call vote.

Commissioner Lindquist suggested Commissioner Goodman coordinate with HRMS personnel and ask for guidance.

The Commission recessed at 11:05 a.m. and all Commission members reconvened at 11:20 a.m.

8. **Discussion of Settlement Guidelines:** After a brief break, GC Carpenter revisited discussion of settlement guidelines and presented the updates Commissioner Goodman previously recommended. The updated settlement guidelines included the following penalties for lobbyist delivering of campaign contributions:

- The first violation: \$250 penalty and no-contest stipulation or an acknowledgement of the complaint allegations;
- The second violation: \$500 penalty and admission of a knowing violation;
- The subsequent violations: the Commission will consider criminal referral.

Motion: Commissioner Lindquist moved to approve the draft settlement guidelines for inclusion in the Commission's policies and procedures. The motion was seconded by Commissioner Goodman. Acting Chair Koeser called for a roll call vote. The motion was approved by unanimous roll call vote.

11. **Discussion of 2025-2027 Strategic Plan:** ED Binstock provided an update on the 2025-2027 strategic plan based on the discussion and feedback from the Commission's May meeting. Based on the discussion of reprioritization during the May meeting, ED Binstock moved items in the strategic plan accordingly. Education & Outreach was moved to strategic initiative #4. ED Binstock incorporated measurables throughout the strategic plan. This discussion was paused and will continue after moving to other topics on meeting agenda to allow Commissioner Lindquist to participate in discussion before departing the meeting early.

11.5 **Discussion on inviting the Governor to join a Commission Meeting:** Commissioner Sagsveen provided an update on inviting the Governor to join a Commission meeting. Commissioner Sagsveen sent a letter to the Governor's office thanking the Governor for personally attending the hearing and stated that he would bring the invitation to the full Commission.

Motion: Commissioner Sagsveen moved to direct Executive Director Binstock to work with the staff of the Governor's office to arrange a meeting between the Governor and the Commission at the earliest opportunity. The motion was seconded by Commissioner Goodman with the addition of including special meetings to the invitation. Acting Chair Koeser called for a roll call vote. The motion was approved by unanimous roll call vote.

13. **Election of Chair:** The Commissioners discussed the selection of Chair and Vice Chair. Commissioner Goodman suggested Commissioner Lindquist take on the role of Chair as she has not previously held this position. Acting Chair Koeser will continue as Vice Chair through the end of his term.

Motion: Commissioner Sagsveen moved to appoint Commissioner Lindquist as Chair at the adjournment of the meeting, and Commissioner Goodman to replace Acting Chair Koeser as Vice Chair at the end of Acting Chair Koeser's term through September 2025. The motion was seconded by Commissioner Goodman. Acting Chair Koeser called for a roll call vote. The motion was approved by unanimous roll call vote.

11. **Discussion of 2025-2027 Strategic Plan:** ED Binstock continued discussion of the 2025-2027 strategic plan. Commissioner Sagsveen provided feedback on measurables to be included in strategic initiative #2. While drafting the strategic plan, the question of sufficient staffing came up. ED Binstock suggested a review of the workload by an external third-party to help determine staffing shortage issues. Commissioner Sagsveen suggested the Commission draft a rule that allows for informal guidance to assist individual with ethical situations to help expose the challenges. The Commissioners agreed that staffing requirements should be included in the strategic plan.
12. **Executive Session:** The Commission entered executive session during the general meeting at 12:02 p.m. to discuss Complaint Nos. 23-013, 23-014, 24-008, 24-014, 24-026, 24-030, 25-041, 25-055, 25-058, 25-065 and 25-066. Information regarding the content and parties to a complaint to the Ethics Commission is confidential. The following participants entered the executive session: Acting Chair Koeser, Commissioners Ron Goodman, and Murray Sagsveen, Executive Director Rebecca Binstock, and General Counsel Logan Carpenter.

Executive Session ended at 12:40 p.m. and all participants returned to the regular meeting.

During the Executive Session, the Commission discussed Complaint Nos. 23-013, 23-014, 24-008, 24-014, 24-026, 24-030, 25-041, 25-055, 25-058, 25-065 and 25-066.

After Executive session, the following motions were made:

Motion: Commissioner Sagsveen moved to deny the complainants' appeal from summary dismissal for being untimely on Complaint No. 24-014. The motion was seconded by Commissioner Goodman. Acting Chair Koeser called for a roll call vote. The motion was approved by unanimous roll call vote.

Motion: Commissioner Sagsveen moved to dismiss Complaint No. 25-041 for not falling under the jurisdiction of the Ethics Commission. The motion was seconded by Commissioner Goodman. Acting Chair Koeser called for a roll call vote. The motion was approved by unanimous roll call vote.

Motion: Commissioner Sagsveen moved to direct Executive Director Binstock to take the actions discussed during Executive Session on Complaint Nos. 25-065 and 25-066. The motion was seconded by Commissioner Goodman. Acting Chair Koeser called for a roll call vote. The motion was approved by unanimous roll call vote.

13. **Further Business:** Commissioner Goodman inquired about the status of the selection of a commissioner. ED Binstock stated the deadline for applications is August 8, 2025, and will take several weeks thereafter.
14. **Adjourn:** Having no further business, the meeting was adjourned at 12:46 p.m. The next regular meeting is scheduled for August 27, 2025, at 9:00 a.m., livestreamed with MS Teams.

Approved on 9/17/2025



Rebecca Binstock, Executive Director, North Dakota Ethics Commission