



North Dakota Ethics Commission Regular Meeting

Minutes of September 17, 2025

UND School of Law, 215 Centennial Dr Stop 9003 Grand Forks, ND 58202 and MS Teams

1. **Call to Order:** The meeting was called to order by Chair Cynthia Lindquist at 12:35 p.m. The following members of the Ethics Commission were also present: Vice Chair Ron Goodman, Commissioners Ward Koeser, and Murray Sagsveen, Executive Director Rebecca Binstock, General Counsel Logan Carpenter, and Operations Administrator Adilene Moos. Brief introductions were given by each member and staff.
2. **Agenda Additions:** Commissioner Sagsveen requested to move the question & answer session to item No. 9.5.
3. **Approval of Minutes:** The Commission discussed regular meeting minutes from July 16, 2025 and special meeting minutes from August 1, 2025, and August 18, 2025. Chair Lindquist requested changes be made to the July 16, 2025 meeting minutes.

Motion: Commissioner Koeser moved to approve the regular meeting minutes from July 16, 2025 with the amendments, and special meeting minutes from August 1, 2025, and August 18, 2025. The motion was seconded by Vice Chair Goodman. Chair Lindquist called for a roll call vote. The motion was approved by a unanimous roll call vote.

4. **Executive Director's Report:**

- a. OA Moos provided a budget update through the end of August 2025 for the 2025-27 biennium budget. She noted the following totals: current appropriation for the 2025-2027 biennium is \$1,368,016, expenditures in July were \$47,773, bringing the total for the biennium to \$86,479, leaving a remaining appropriation for the 2025-2027 biennium of \$1,238,771. OA Moos presented an estimated ending balance for the biennium on June 30, 2027, at \$42,766. This number will fluctuate.

ED Binstock notified the Commission that there will be professional fees and services costs that weren't included in August but will be shown in the September budget update. It is anticipated that more professional fees will be spent as outside counsel is hired.

- b. Executive Director Rebecca Binstock provided an update to the Commission on filings.

In August 2025, the Commission received the following filings:

- Complaints: 0
- Quasi-Judicial Forms: 0
- Conflict of Interest Forms: 0
- Meeting Notices: 5

The Commission closed 1 complaint.

The Commission currently has 40 pending complaints as of August 31, 2025.

- c. ED Binstock provided an update on education and outreach. On August 27, 2025, ED Binstock and General Counsel Carpenter attended an event hosted by the Grandma's for Democracy and presented information from the Annual Report. There were approximately 100-120 attendees. Commissioner Sagsveen also attended this event and was involved in the question & answer portion.

In consultation with Chair Lindquist, ED Binstock was invited to record a segment with Gary Emineth on his show, Open Range. The segment focused on information from the Annual Report and specifically about historical appropriations.

ED Binstock once again mentioned that commission staff is planning to host a fall educational session to inform others about the amendments to the complaint process resulting from SB 2004.

- d. ED Binstock provided a human resources update. This item was discussed during the Commission's August meeting. ED Binstock is working with HRMS about the possibility of having temporary employees help with attorney complaint work. ED Binstock and HRMS are working to create a job description and get this job posted. These individuals will report to GC Carpenter. ED Binstock is hoping to have this posted before the October meeting.

ED Binstock has engaged two outside counsel on a contract basis to handle separate complaints. The hope is to eventually move away from using contract attorneys and have a temporary attorney instead to help with complaint work.

Commissioner Sagsveen is currently working on a draft response to the Attorney General's Office. He has identified 12 separate issues to respond to the Attorney General. Commissioner Sagsveen hopes to have a draft ready for review in October.

ED Binstock traveled to the UND Law School on September 8 to meet with law students and talk about internships with the Commission. The job posting for internship position will go up next week at the law school.

The Commission's workforce was discussed during the August meeting. As we prepare for the 2027 legislative session, it is imperative the Commission have an accurate, data-supported request for its appropriation and FTEs. ED Binstock spoke with Jill Mugaas, the Commission's HR business partner to inquire whether HRMS can help with such analysis. The analysis they would complete would focus on what each team member is spending their time on. This is not necessary as it is already known where the time is being spent. ED Binstock proposes having a workforce analysis done by an independent third-party. Commissioner Sagsveen suggests including an office space analysis.

Motion: Commissioner Sagsveen moved to authorize Executive Director Binstock to issue a request for proposals for RFP for a comprehensive workforce analysis, including space. The motion was seconded by Commissioner Koeser. Chair Lindquist called for a roll call vote. The motion was approved by a unanimous roll call vote.

- e. ED Binstock provided an audit update. The auditor's office has been conducting tests for the last few weeks, and ED Binstock and OA Moos have been providing the testing information. ED Binstock anticipates concluding the audit in the next couple of weeks. The audit is for a four period, beginning July 1, 2021 – June 30, 2025. They are testing internal controls, compliance, and financial transactions.
- f. ED Binstock provided a COGEL update. The COGEL conference will be held on December 7-10 in Atlanta, GA. Four registrations have been secured and paid for already. Anyone on the Commission or staff may take up these registration spots. A great majority of sessions being given at the COGEL conference relate to the Commission's work and address issues related to the Commission's work. Because these sessions are not recorded, it would be beneficial having Commissioners and staff members attend most of the sessions.

COGEL has been hosting several roundtable events. ED Binstock and GC Carpenter have been participating in these events, and it is encouraged for Commissioners to also participate.

Chair Lindquist strongly suggested all Commissioners attend the COGEL conference if able to. Vice Chair Goodman also suggested that OA Moos attend the conference.

Motion: Commissioner Sagsveen moved to direct Executive Director Binstock to register up to 8 participants for the COGEL conference. The motion was seconded by Vice Chair Goodman. Chair Lindquist called for a roll call vote. The motion was approved by a unanimous roll call vote.

5. **Ongoing Business:**

- a. ED Binstock provided an update on the travel disclosure rules. The travel disclosure rules hearing was held on July 14, 2025, and the Commission received seven comments regarding the proposed rules. Commissioner Sagsveen suggested waiting for the appointment of the new Commissioners to get input from them before moving forward with adopting these rules.
- b. GC Carpenter provided an update of the proposed complaint rules amendments. The complaint rules hearing was held on September 9, 2025. The Commission is still in the comment stage of the proposed rules and is accepting comments until September 22, 2025. The Commission received two written comments: one from the North Dakota Native vote and one from the Office of the Attorney General, which GC Carpenter is reviewing.

Commissioner Sagsveen provided several substantive amendments for the Commission to consider, as outlined in his memorandum. GC Carpenter will take the memo from Commissioner Sagsveen as a submitted comment and will analyze. ED Binstock stated that if the Commission were to adopt the substantive changes presented by Commissioner Sagsveen, it is suggested people who would be affected by the changes be notified to give an opportunity for them to comment on these proposed changes.

The Commission recessed at 1:49 p.m. and all Commission members reconvened at 2:06 p.m.

- c. ED Binstock discussed the Memorandum Re: (1) the Commission's constitutional duties and authority; (2) the impact of SB 2004 on the Commission's internal processes and procedures; and (3) evaluating potential actions of the Commission regarding the same. During the May regular meeting, then Chair Anderson shared that he requested GC Carpenter complete this memo. GC Carpenter has started researching the issues for the memorandum, but has some concerns, namely under his SAAG agreement. ED Binstock

recommends the Commission direct GC Carpenter to table completion of the memorandum to allow GC Carpenter to evaluate how this information can be provided to the Commission and meet his professional obligations regarding the same. The Commission briefly discussed GC Carpenter's SAAG contract.

Motion: Commissioner Sagsveen moved to table completion of the memorandum until the Commission removes it from being tabled. The motion was seconded by Vice Chair Goodman. Chair Lindquist called for a roll call vote. The motion was approved by a unanimous roll call vote.

6. **Procurement of Transcription Services:** ED Binstock provided an update on procurement of transcription services. In the past, transcriptions have been created using AI tools. However, due to the inaccuracy of these AI made transcripts, either GC Carpenter or the OA have had to transcribe these. To save time, ED Binstock would like the Commission to consider either entering a state contract for transcription services or entering an online transcription service contract.

Motion: Commissioner Koeser moved to direct ED Binstock to procure a transcription service subscription in accordance with procurement requirements. The motion was seconded by Vice Chair Goodman. Chair Lindquist called for a roll call vote. The motion was approved by a unanimous roll call vote.

7. **Update on Process for Appointment of Commissioners:** ED Binstock provided an update on the process for Appointment of Commissioners. After the selection committee's last meeting, several questions were sent to all applicants for response by September 2, 2025. Out of the 39 applicants, 2 withdrew their applications and 11 did not provide a response. The responses have been forwarded to the Governor, Senator Hogan, and Senator Hogue, for their review. After their review, a meeting will be scheduled so they can discuss and decide which of the applicants they would like to interview. The Commission previously requested the reappointment of Commissioner Sagsveen.
8. **Discussion of First Amendment Issues for Political Campaigns:** GC Carpenter discussed First Amendment issues for political campaigns. This item was added to the Commission's agenda so the public is aware of how the Commission handles these issues, given the state of the law. N.D.C.C. § 16.1-10-04 makes it a class A misdemeanor for a person to "knowingly, or with reckless disregard for its truth or falsity" to publish information concerning a candidate's prior public record, which is untrue. As the statute relates to elections, it could trigger the Commission's investigative authority under Article XIV of the Constitution.

Considering an Eighth Circuit Court of Appeals case, *281 Care Committee v. Arneson*, 766 F.3d 774 (8th Cir. 2014), when an issue involving N.D.C.C. § 16.1-10-04 comes before the Commission, it began the practice of declining to refer the complaint. Individuals alleging a violation of the law can report it directly to law enforcement instead of the Commission.

GC Carpenter discussed how the Miami-Dade County Commission on Ethics and Public Trust in Florida handles First Amendment and false campaign material issues. A local ordinance there regulates these issues by providing a voluntary waiver to be signed by candidates for office as an option. By signing a waiver, these candidates then agree to be bound to the commission's jurisdiction should they provide false information in campaign materials. The Commission discussed the information GC Carpenter presented.

9. **Discussion of Rules related to Ethics Commission Organizational Structure:** ED Binstock discussed Rules related to Ethics Commission Organizational Structure. Commissioner Sagsveen suggested to ED Binstock and GC Carpenter that the Commission consider moving some of its policies and procedures related to the Commission's operations and structures in rule, instead of in policies and procedures. Based on that discussion, ED Binstock reviewed the policies and procedures to determine which could be moved to rule. ED Binstock provided the policies and procedures that the Commission can consider moving into rules. The Commission discussed the difference between policies and procedures and rules.

Motion: Vice Chair Goodman moved to direct commission staff to start the rulemaking process to move the highlighted policies and procedures provided in Attachment 10 into rule. The motion was seconded by Commissioner Koeser. Chair Lindquist called for a roll call vote. The motion was approved by a unanimous roll call vote.

- 9.5 **UND Law Student Questions & Answer Session:** The Commission took questions from the in-person audience.

The Commission recessed at 3:20 p.m. and all Commission members reconvened at 3:40 p.m.

10. **Executive Session:** The Commission entered executive session during the general meeting at 3:45 p.m. to discuss Complaint Nos. 23-011, 23-013, 23-014, 24-008, 24-013, 24-015, 24-026, 24-030, 24-031, 24-032, 24-033, 24-035, 24-041, 25-004, 25-021, 25-022, 25-038, 25-039, 25-

040, 25-047, 25-048, 25-049, 25-050, 25-051, 25-052, 25-053, 25-054, 25-055, 25-056, 25-057, 25-058, 25-059, 25-060, 25-061, and 25-062. Information regarding the content and parties to a complaint to the Ethics Commission is confidential. The following participants entered the executive session: Chair Lindquist, Vice Chair Goodman, Commissioners Ward Koeser, and Murray Sagsveen, Executive Director Rebecca Binstock, General Counsel Logan Carpenter, and Operations Administrator Adilene Moos.

Executive Session ended at 4:10 p.m. and all participants returned to the regular meeting.

During the Executive Session, the Commission discussed Complaint Nos. 23-011, 23-013, 23-014, 24-008, 24-013, 24-015, 24-026, 24-030, 24-031, 24-032, 24-033, 24-035, 24-041, 25-004, 25-021, 25-022, 25-038, 25-039, 25-040, 25-047, 25-048, 25-049, 25-050, 25-051, 25-052, 25-053, 25-054, 25-055, 25-056, 25-057, 25-058, 25-059, 25-060, 25-061, and 25-062.

After Executive session, the following motions were made:

Motion: Commissioner Sagsveen moved to direct Executive Director Binstock to act on the following complaints as discussed during executive session, Complaint Nos. 24-008, 25-060, 25-061, and 25-062. The motion was seconded by Commissioner Koeser. Chair Lindquist called for a roll call vote. The motion was approved by unanimous roll call vote.

11. **Further Business:** Commissioner Sagsveen requested to have another in-person meeting in either October or November. The Commission discussed and agreed.
12. **Adjourn:** Having no further business, the meeting was adjourned at 4:17 p.m. The next regular meeting is scheduled for October 15, 2025, at 9:00 a.m., livestreamed with MS Teams.

Approved on 11/19/2025



Rebecca Binstock, Executive Director, North Dakota Ethics Commission