



## North Dakota Ethics Commission Regular Meeting

Minutes of November 19, 2025

ND Capitol – Fort Totten Room, 600 E Boulevard Ave, Bismarck, ND and MS Teams

1. **Call to Order:** The meeting was called to order by Chair Cynthia Lindquist at 9:10 a.m. The following members of the Ethics Commission were also present: Vice Chair Ron Goodman, Commissioners Murray Sagsveen and Pamela Sharp, as well as Executive Director Rebecca Binstock, General Counsel Logan Carpenter, and Operations Administrator Adilene Moos.
2. **Agenda Additions:** Executive Director noted the rearrangement of items on the agenda. Item Nos. 5 & 6 were switched.
4. **Appreciation of Ward Koeser and welcome of new Commissioner Pamela Sharp:** Chair Lindquist thanked former Commissioner Ward Koeser for his service with the North Dakota Ethics Commission and gave a warm welcome to Commissioner Pamela Sharp.
3. **Approval of Minutes:** The Commission discussed regular meeting minutes from August 27, 2025, and September 17, 2025.

**Motion:** Commissioner Sagsveen moved to approve the regular meeting minutes from August 27, 2025, and September 17, 2025. The motion was seconded by Vice Chair Goodman. Chair Lindquist called for a voice vote. The motion was approved by a unanimous voice vote.

6. **Ongoing Business:**

- a. ED Binstock provided an update on scheduling a meeting with the Commission and Governor Armstrong. At either the July or August meeting, the Commission directed staff to coordinate with the Governor's office to schedule this meeting; however, Chair Lindquist asked staff to wait on scheduling this meeting due to the pending appointment process. A meeting will be scheduled in the future when appropriate.
- b.-d. GC Carpenter stated that the Commission went through the rule-making process for both the complaint and travel rules. Commissioner Sagsveen walked through a PowerPoint, which listed proposed changes.

**Motion:** Commissioner Sagsveen moved to add the following to 115-02-01-02, Jurisdiction and limitation period, of the proposed amendments as paragraph 3:

"3. The commission shall have jurisdiction over a respondent until the commission's final action on a complaint and the expiration of any appeal period."

After further discussion, 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.

**Motion:** Commissioner Sagsveen moved to add the following to 115-02-01-12, Complaint management time standards, of the proposed amendments as paragraphs 2-4:

"2. If the commission determines it does not have jurisdiction concerning a complaint, the commission shall dismiss the complaint within 60 calendar days.

3. The executive director shall report on the status of each complaint that has been pending for more than 180 calendar days at the regular commission meetings in March, June, September, and December.

4. The executive director shall report on the status of each complaint that has been pending for more than 365 calendar days at each regular commission meeting."

After further discussion, 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.

**Motion:** Commissioner Sagsveen moved to add the following as a new section 115-02-01-13, Complaints Submitted in Bad Faith, of the proposed amendments:

"1. If the executive director determines that a complainant may have filed a complaint to harass or impugn the reputation of the respondent or has otherwise filed a complaint in bad faith, the executive director shall notify the Commission.

2. The commission may order the complainant to show cause why the complainant has not violated subsection 2 of section 3 of article XIV of the Constitution of North Dakota. The complainant may respond in writing or request a hearing before the Commission.

3. If after notice to the complainant and a reasonable opportunity for the complainant to respond, the commission determines that the complainant has

violated subsection 2 of section 3 of article XIV of the Constitution of North Dakota, the commission may impose an appropriate sanction on the complainant.

4. A sanction imposed under this rule must be limited to what suffices to deter repetition of the conduct or comparable conduct by others similarly situated. The sanction may include non-monetary directives or an order to pay a penalty to the commission.

5. The commission may impose a monetary sanction up to \$500 for the first offense and up to \$1000 for each succeeding offense.

6. An order imposing a sanction must describe the sanctioned conduct and explain the basis for the sanction."

The motion was seconded by Vice Chair Goodman. A lengthy discussion was had concerning sanctions and timeline. Chair Lindquist called for a roll call vote. The motion was approved by a unanimous roll call vote.

GC Carpenter reviewed comments received by Commissioner Sagsveen, the Attorney General's Office, and North Dakota Native Vote. The comments were taken into consideration and after legal analysis, some suggestions were incorporated with the amended proposed rules.

In 115-02-01-08, Commission review and action on complaint, GC Carpenter recommended the following in paragraph 6:

~~"a violation of article XIV of the Constitution of North Dakota, North Dakota Century Code chapter 54-66, or another law or rule regarding transparency, corruption, elections, or lobbying an ethical violation".~~

In 115-02-01-03, Submission of a complaint, the AG's Office believes the section is inconsistent. Given the AG's Office suggestion the following change was proposed:

~~"4. No specific format is required for complaints and relevant information. The commission may direct a complainant to refile a complaint using the commission's designated complaint form. To ensure the commission has the necessary information to process a complaint, the commission may direct a complainant to use the designated complaint form."~~

~~"7. The executive director commission shall conduct an initial review of any complaint or~~

information received by the commission.

c. If the ~~executive director~~ commission determines that the matter falls within the jurisdiction of another agency, the ~~executive director~~ commission may refer the complainant to the relevant agency."

In 115-02-01-08, Commission review and action on complaint, GC Carpenter recommended changes to clarify when final report and recommendation and response is due.

**Motion:** Commissioner Sagsveen moved to adopt the recommended changes made by GC Carpenter. 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.

GC Carpenter reviewed Quasi-judicial issues in 115-02-01-01, definitions of both complainant and respondent.

**Motion:** Vice Chair Goodman moved to adopt the recommended changes to the proposed rules made by GC Carpenter. The motion was seconded by Commissioner Sagsveen. Chair Lindquist called for a roll call vote. The motion was approved by a unanimous roll call vote.

GC Carpenter continued revising Quasi-judicial issues in 115-02-01-02, Jurisdiction and limitation to make it consistent with the definitions amended above.

**Motion:** Commissioner Sagsveen moved to adopt the recommended changes to the proposed rules made by GC Carpenter. 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.

Commissioner Sagsveen reviewed the Commission's organizational "by-laws" and proposed the adoption of Chapter 115-01-01, The Commission, proposed Chapter 115-01-02, The Executive Director, and Chapter 115-01-03, Discovery. Commissioner Sagsveen suggests the Commission adopt the discussed rules

**Motion:** Commissioner Sagsveen moved the Commission adopt the "by-laws" into rules and begin the rule-making process. The motion was seconded by Vice Chair Goodman. Discussion was had regarding Commissioner term and holdover. Chair

Lindquist called for a roll call vote. The motion was approved by a unanimous roll call vote.

The Commission recessed at 10:24 a.m. and all Commission members reconvened at 10:46 a.m.

**b.-d.** GC Carpenter reviewed the timeline of the Travel Disclosure Rules. Commissioner Sagsveen discussed several proposed amendments to the Travel Disclosure Rules, revising Quasi-judicial issues in 115-02-01-02, Jurisdiction and limitation to make it consistent with the definitions amended above.

**Motion:** Commissioner Sagsveen moved to amend the previously circulated and discussed Travel Disclosure Rules draft with the text provided in the PowerPoint in yellow. The motion was seconded by Vice Chair Goodman. Discussion was had regarding monetary penalties. Chair Lindquist called for a roll call vote. The motion was approved by a unanimous roll call vote.

**Motion:** Commissioner Sagsveen moved to circulate the amended Travel Disclosure Rules version to public officials for comment and be placed on the agenda for final approval at the December Commission meeting. The motion was seconded by Vice Chair Goodman. Discussion was had regarding the comment period. Chair Lindquist called for a roll call vote. The motion was approved by a unanimous roll call vote.

**e.** Discussion of the Response to the Office of the Attorney General was moved to after lunch so that staff may print the latest version of this report.

7. **Update on Process for Appointment of Commissioners:** ED Binstock provided an update on the process for Appointment of Commissioners. The selection committee conducted interviews of seven individuals in October. After interviews, the selection committee has met several times to appoint three individuals. Pamela Sharp was appointed by the selection committee on October 31, 2025. As of the morning of the Commission's regular meeting, there has been a stalemate on filling the other two additional vacancies. During the Commission's regular meeting, the selecting committee met at the same time and provided a live update to ED Binstock, which stated that Attorney Mark Western has been appointed effective immediately to fill the remainder of Dave Anderson's term.

GC Carpenter discussed some media reports that had been received regarding Commissioner Sagsveen's position. Based on these media reports, GC Carpenter anticipated a letter from the

Governor's Office stating that Commissioner Sagsveen could no longer continue in his position on the Commission. This letter had not been received by GC Carpenter at the time of discussion and had not yet been reviewed.

Chair Lindquist noted that she was approached by a reporter during a recess to provide comment on the above-mentioned topic. She stated she did not provide comments since she had not heard about this prior to being approached. She requested guidance from GC Carpenter on Commissioner Sagsveen's appointment, which GC Carpenter provided a memo with his legal analysis in Commissioner Sagsveen's official capacity. This memo was provided to Chair Lindquist, Commissioner Sagsveen, and pursuant to his SAAG agreement, it was also provided to the Attorney General's Office. It appears the AG's Office disagrees with GC Carpenter's legal analysis. The memo will be provided to Vice Chair Goodman and Commissioner Sharp.

GC Carpenter discussed his legal analysis on holdover. Chair Lindquist stated that it has been the Commission's practice for Commissioner's to continue their term until they are replaced or reappointed.

8. **Discussion of Secretary of State Request for Attorney General Opinion:** ED Binstock discussed the Secretary of State Request for an Attorney General Opinion. Based on a comment made during a podcast by the Attorney General, Chair Lindquist made an open records request for any communications related to a request for an Attorney General opinion by the Secretary of State. The Secretary of State provided Chair Lindquist with a letter dated July 22, 2025, requesting an Attorney General opinion regarding two questions related to the Commission's Advisory Opinion 25-01. The Commission was not made aware of the request for an Attorney General opinion by either the Office of the Attorney General or the Secretary of State until the open records request was made by Chair Lindquist on October 13, 2025.

The Commission discussed having GC Carpenter conduct an independent analysis of the questions posed by the Secretary of State. Chair Lindquist expressed concerns of not being invited for discussion by either the Attorney General's Office or the Secretary of State's Office.

**Motion:** Commissioner Sagsveen moved GC Carpenter to provide an analysis on each of the questions raised in the Secretary of State's letter. 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.

The Commission recessed at 11:40 a.m. and all Commission members reconvened at 12:37 p.m.

6. **c. Proposed Complaint Rule Amendments:** A final draft of the Complaint Rule process was distributed by staff, this topic was revisited.

**Motion:** Commissioner Sagsveen moved the Commission adopt the version of the Complaint Process Rules dated November 19, 2025. The motion was seconded by Vice Chair Goodman. Commissioner Sharp requested that the Commission wait to adopt the Complaint Process Rules until next meeting so that she may have time to review. Commissioner Sagsveen withdrew his motion.

- e. Response to the Office of the Attorney General:** Printed copies of the memorandum were distributed by staff after the lunch break; this topic was then revisited. ED Binstock provided an overview of how the Commission got to the point of writing a memo. Chair Lindquist requested a meeting with the Office of the Attorney General to establish a professional relationship, in response, a letter was received requesting a response from the Commission on various correspondence. Chair Lindquist provided a more in-depth timeline. Commissioner Sagsveen provided an overview of the Response to the Office of the Attorney General.

Chair Lindquist recognized that time may be needed so that the other Commissioners may review the report thoroughly. Vice Chair Goodman suggested scheduling a special meeting to consider the memo. Chair Lindquist emphasized the importance of this response and agreed on having a special meeting.

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

- a.** OA Moos provided a budget update for both September 2025 and through the end of October 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 September were \$55,077, bringing the total for the biennium to \$141,699, leaving a remaining appropriation for the 2025-2027 biennium of \$1,266,317. OA Moos projected expenditures through the end of the biennium to be at \$1,189,448, leaving an estimated ending balance for the biennium on June 30, 2027, at \$36,869. This number will fluctuate.

She noted the following totals through the end of October 2025: current appropriation for the 2025-2027 biennium is \$1,368,016, expenditures in October were \$44,445, bringing the total for the biennium to \$186,144, leaving a remaining appropriation for the 2025-2027 biennium of \$1,181,872. OA Moos projected expenditures through the end of the biennium to be at \$1,164,516, leaving an estimated ending balance for the biennium on June 30, 2027, at \$17,356. This number will fluctuate.

ED Binstock noted there was a significant difference in the estimated ending balance between September and October and this is due to the estimate calculation of having a part time temporary attorney. She also noted that a request from the FTE funding pool can be made later by the Commission if it is needed. Discussion was had on costs associated with litigation and different options to cover these expenses.

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

In September 2025, the Commission received the following filings:

- Complaints: 1
- Quasi-Judicial Forms: 0
- Conflict of Interest Forms: 2
- Meeting Notices: 11

The Commission currently has 41 pending complaints as of September 30, 2025.

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

In October 2025, the Commission received the following filings:

- Complaints: 1
- Quasi-Judicial Forms: 3
- Conflict of Interest Forms: 0
- Meeting Notices: 9

Due to the Commission not meeting in October, no complaints were closed during this month.

The Commission currently has 42 pending complaints as of September 30, 2025.

**c.** ED Binstock provided a human resources update. ED Binstock has continued to work with HRMS on a job posting of a temporary attorney to help with attorney complaint



work. This job was posted in mid October and closed on October 31, 2025. Staff conducted interviews on November 13, 2025.

ED Binstock provided an update on the internship process. The job posting for this position was posted on October 20, 2025, and closed on November 10, 2025. Staff will be conducting interviews next week.

ED Binstock provided an update on the job description and salary for the General Counsel position to include a supervisory role of the legal interns and the part-time attorney. With this update, ED Binstock reviewed the salary range for this position and worked with HRMS. After review, ED Binstock is requesting authorization to increase the salary of the general counsel position from \$9,105.20 to \$9,700. The salary increase adds a total of \$15,652.82 to the Commission's 2025-2027 budget.

**Motion:** Commissioner Sagsveen moved to authorize Executive Director Binstock to expend additional funds of \$15,652.82 during the 2025-2027 to cover an increase to General Counsel Carpenter's salary. 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.

ED Binstock provided an update on volunteers. Due to resource shortage and staffing needs, support is needed specifically for educational, public outreach, and communication needs. ED Binstock held multiple meetings with the State Historical Society to learn about their volunteer program. Discussion was had on the possibility of utilizing volunteers and possible issues/risks.

- d. ED Binstock provided an audit update. The audit portion is complete except for ACFR reporting. This will be completed in early December. The Commission's audit will be completed around middle of December. An update will be provided once the audit is completed.
- e. ED Binstock provided a COGEL update. The COGEL conference is quickly approaching on December 7-10 in Atlanta, GA. Five registrations have been secured and paid for already. The Campaign Legal Center reached out to ED Binstock and she has agreed to participate as a panelist to discuss challenges the Commission has faced over the past year.

The Commission recessed at 1:55 p.m. and all Commission members reconvened at 2:11 p.m.

9. **Executive Session:** The Commission entered executive session during the general meeting at 2:14 p.m. to discuss Complaint Nos. 23-014, 24-013, 24-015, 24-026, 24-030, 24-033, 24-041, 25-059, 25-071, and 25-072. 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 Murray Sagsveen, and Pamela Sharp, Executive Director Rebecca Binstock, General Counsel Logan Carpenter, and Operations Administrator Adilene Moos.

Executive Session ended at 2:51 p.m. and all participants returned to the regular meeting.

During the Executive Session, the Commission discussed Complaint Nos. 23-014, 24-013, 24-015, 24-026, 24-030, 24-033, 24-041, 25-059, 25-071, and 25-072.

After Executive session, the following motions were made:

**Motion:** Commissioner Sagsveen moved to direct Commission staff to proceed as directed during executive session on Complaint Nos. 24-013 and 24-015. The motion was seconded by Commissioner Sharp. Chair Lindquist called for a roll call vote. The motion was approved by unanimous roll call vote.

**Motion:** Commissioner Sharp moved to direct Executive Director Binstock to summarily dismiss the following complaints for being insufficient to identify a possible violation, Complaint Nos. 24-026 and 24-030. The motion was seconded by Vice Chair Goodman. Chair Lindquist called for a roll call vote. The motion was approved by unanimous roll call vote.

**Motion:** Vice Chair Goodman moved to dismiss complaint no. 24-033 for the reasons discussed during executive session. The motion was seconded by Commissioner Sagsveen. Chair Lindquist called for a roll call vote. The motion was approved by unanimous roll call vote.

**Motion:** Vice Chair Goodman moved to direct Executive Director Binstock to summarily dismiss Complaint No. 24-041 for lack of personal jurisdiction. The motion

was seconded by Commissioner Sagsveen. Chair Lindquist 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 summarily dismiss Complaint No. 25-059 for lack of subject-matter jurisdiction. The motion was seconded by Vice Chair Goodman. Chair Lindquist called for a roll call vote. The motion was approved by unanimous roll call vote.

**Motion:** Commissioner Sharp moved to direct Executive Director Binstock to summarily dismiss Complaint No. 25-072 for lack of personal jurisdiction. The motion was seconded by Commissioner Sagsveen. Chair Lindquist called for a roll call vote. The motion was approved by unanimous roll call vote.

There is no action item for Complaint No. 25-071.

10. **Executive Session: Discussion of Citizens Alliance of North Dakota et al v. Wrigley et al 1:25-cv-256 (D.N.D. 2025)** The Commission entered executive session at 3:00 p.m.

**Motion:** Commissioner Sagsveen moved to enter executive session for attorney consultation regarding the matter of Citizens Alliance of North Dakota et al v. Wrigley et al 1:25-cv-256 (D.N.D. 2025) and potential litigation involving continuation of Commissioner Sagsveen's position. The motion was seconded by Vice Chair Goodman. Chair Lindquist called for a roll call vote. The motion was approved by unanimous roll call vote.

The Commission entered executive session at 3:00 p.m. 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 Murray Sagsveen, and Pamela Sharp, Executive Director Rebecca Binstock, General Counsel Logan Carpenter, and Operations Administrator Adilene Moos.

Executive Session ended at 4:09 p.m. and all participants returned to the regular meeting.

During the Executive Session, the Commission discussed attorney consultation regarding the matter of Citizens Alliance of North Dakota et al v. Wrigley et al 1:25-cv-256 (D.N.D. 2025) and potential litigation involving continuation of Commissioner Sagsveen's position.

After Executive session, the following motions were made:

**Motion:** Vice Chair Goodman moved to direct General Counsel Carpenter to represent the Commission and Executive Director Binstock in her official capacity in Citizens Alliance of North Dakota et al v. Wrigley et al and to direct Commission staff to secure outside counsel to work in conjunction with GC Carpenter. The motion was seconded by Commissioner Sharp. Chair Lindquist called for a roll call vote. The motion was approved by a majority roll call vote.

**Motion:** Vice Chair Goodman moved to Commission staff to request funds from the Office of the Attorney General's litigation fund to cover litigation costs. The motion was seconded by Commissioner Sharp. Chair Lindquist called for a roll call vote. The motion was approved by a majority roll call vote.

11. **Discussion of 2026 Meeting Dates & Locations:** The Commission agreed for following meeting to be scheduled for January 28, 2025.
12. **Further business:** Chair Lindquist acknowledged that going forward, there will be opportunity on the agenda for public comments.
13. **Adjourn:** Having no further business, the meeting was adjourned at 4:15 p.m. The next regular meeting is scheduled for December 17, 2025, at 9:00 a.m., livestreamed with MS Teams.

Approved on 12/17/2025



Rebecca Binstock, Executive Director, North Dakota Ethics Commission