

North Dakota Ethics Commission Meeting

Minutes of January 22-23, 2020

Peace Garden Room, State Capitol

600 E. Boulevard Avenue, Bismarck, ND 58505

1. The meeting was called to order by Chair, Judge Ronald Goodman, at 1:00 p.m. The following members of the Ethics Commission were present: Ronald Goodman, Dr. Cynthia Lindquist, David Anderson, and Ward Koeser. Commission member Paul Richard was unable to attend the meeting. Also present was the Ethics Commission legal counsel, Allyson M. Hicks, Assistant Attorney General for the State of North Dakota and Dave Thiele, Executive Director. The minutes of the December meeting were discussed. A minor correction was noted for change.

Motion: Koeser moved to approve the corrected minutes of December 11, 2019. Motion was seconded by Anderson. Chair Goodman called for a voice vote on the motion. Upon voice vote, the minutes of the December 11, 2019, meeting were unanimously approved.

2. Chair Goodman discussed the COGEL (Conference on Government Ethics Laws) Conference he attended and provided a brief report to the Commission. He noted the various materials available to the Commission on the COGEL website with a special note on the value of advisory opinions to Ethics Commissions.
3. Executive Director Thiele provided an update to the Commission on activities in January. He met with various state entities to establish budget and meet staff, received bids for furniture and multi-function copier, worked with ITD to establish phones and internet at the office site, met with ITD staff on website and complaint form. Met with Legislative Council and Sen David Hogue and have scheduled meetings with North Dakotans for Public Integrity. Discussed the advertisement for the Administrative Assistant position.

Motion: Lindquist moved and was seconded by Koeser to have Dave Thiele and Commissioner Dave Anderson interview and screen candidates for the Administrative Assistant position and present the three finalists to the Commission with ranking and recommendations to the Commission. The motion was unanimously approved by roll-call vote.

Thiele further discussed the two bids received for office furniture through the state contract. Bids were received from Fireside Office Solutions and RoughRider Industries. Thiele recommended that the bid from Fireside be approved as it was a better fit for the office setup and bids were nearly identical in cost.

Motion: Koeser moved and Linquist seconded to allow Thiele to purchase office furniture from Fireside in an amount not to exceed \$13,922. The motion was unanimously approved by roll-call vote.

Thiele discussed the lease of a Multi-function printer from Marco through the state contract. The lease was for 60 months at \$147.78 per month and Thiele articulated why leasing was a better option than purchasing.

Motion: Koeser moved and was seconded by Anderson to have Dave Thiele lease the printer from Marco for 60 months at a rate of \$147.78 per month. The motion was unanimously approved by roll-call vote with Commissioner Richard absent and not voting.

4. The Commission discussed authority of the Executive Director to expend funds without prior approval. The Commission determined that the Executive Director should have authority up to \$1,000 per item.

Motion: Anderson moved and was seconded by Lindquist to allow Executive Director Thiele to make purchases up to \$1,000 per item without prior approval. The purchases will then be reported to the Commission at the next meeting with the budget report. The motion was unanimously approved by roll-call vote with Richard absent and not voting.

5. The Commission discussed the transfer of administrative duties to Thiele and where minutes of prior meetings were located. The Commission discussed amending the agenda to proceed with a budget/financial discussion.

Motion: Koeser moved and was seconded by Anderson to have amend the agenda to discuss budget/financials. The motion was unanimously approved by voice vote with Richard not present or voting.

6. Koeser briefed the Commission on the current budget and provided a written spreadsheet update. The current assessment is that the Commission will be within budget for the biennium but noted that many costs were significantly reduced due to delays in hiring and Commission appointment date.
7. The Commission discussed the presentation to the Judiciary on January 11, 2020. Executive Director Thiele was tasked with making the presentation which is intended to be an update as to what the Commission has accomplished to date. The presentation is scheduled for 1330 on the 11th.
8. The Commission discussed the Strategy Review with the Governor's office on the 13th of February. Anderson and Lindquist will attend with Thiele. The Commission reviewed the slides and Anderson/Lindquist would proceed with suggested edits and make the presentation to governor and staff. The Commission reviewed the draft mission statement.

9. The Commission conducted a working session to review and edit the draft Code of Ethics and Commission Rules related to complaints.
10. The Commission recessed for the day at 4:30 p.m.
11. The commission reconvened at 9:00 a.m. 23 January.
12. The Commission discussed travel time as part of the Commissioner duty day and the ability to claim ½ days if appropriate along with procedure to review per diem and daily rate claims.

Motion: Koeser moved and was seconded by Anderson to have Thiele review per diem and daily rate claims and report to the Commission on a periodic basis. The motion was unanimously approved by roll-call vote with Richard absent and not voting.

13. Goodman requested Thiele place on the record the discussion regarding Goodman’s travel expenses. Chair Goodman travels from his son’s home in Wisconsin to attend meetings during the winter months and is paid mileage for that distance. Goodman had discussed this issue with the appropriate staff during the appointment process as a concern but was requested to accept the appointment notwithstanding the travel expense. Goodman’s normal residence during the winter month’s is his son’s home in Wisconsin. Reimbursement in such a case is based on the lesser of airfare or mileage.
14. The Commission then continued the working session to review the Code of Ethics and discuss complaint process rules/forms. The Commission discussed at length the potential disconnect between the Constitution and the statute regarding confidentiality. The Commission tabled the discussion and asked Thiele to discuss with Commissioner Richard and review possibly requesting an Attorney General’s opinion to resolve the issue.
15. The Commission recessed at 12:30 p.m. and reconvened at 1:50 p.m.
16. The Commission continued discussion on complaint rules and other processes.
17. All items on the agenda being completed, Chair Goodman asked Commissioners if there were any other items to consider and hearing a negative response adjourned the meeting at 3:20 p.m.

The next meeting will be February 20 in the Red River Room.

Approved on ____20 February 2020_____

_____/s/_____/_____

Ronald Goodman, Chair, North Dakota Ethics Commission