



North Dakota Ethics Commission Regular Meeting

Minutes of December 18, 2024

MS Teams

1. **Call to Order:** The meeting was called to order by Chair Dave Anderson at 9:01 a.m. The following members of the Ethics Commission were also present: Vice Chair Ward Koeser, Commissioners Cynthia Lindquist, Ron Goodman, and Murray Sagsveen, Executive Director Rebecca Binstock, General Counsel Logan Carpenter, and Operations Administrator Alisha Maier.
2. **Agenda Additions:** No additions were made.
3. **Approval of Minutes:** The Commission discussed regular meeting minutes from November 20, 2024, and special meeting minutes from December 2, 2024. Commissioner Sagsveen requested a clarifying timing statement be added for executive session motions.

Motion: Vice Chair Koeser moved to approve regular meeting minutes from November 20, 2024, as amended and special meeting minutes from December 2, 2024. Motion was seconded by Commissioner Lindquist. Chair Anderson called for a voice vote. The motion was approved by unanimous voice vote.

4. **Executive Director Update:**

- Operations Administrator Alisha Maier provided a budget update through the end of November 2024 for the 2023-25 biennium budget. She noted the following totals: current appropriation for the 2023-2025 biennium is \$1,155,297, expenditures in November were \$45,483, total expenditures for the current biennium have been \$747,906, leaving a remaining appropriation for the 2023-2025 biennium of \$407,391. OA Maier presented an estimated ending balance for the biennium on June 30, 2025, at \$11,674 explaining this number will fluctuate as we move through the biennium.
- ED Binstock provided an update to the Commission on filings.

In November 2024, the Commission received the following filings:

- Complaints: 4
- Quasi-Judicial Forms: 1
- Conflict of Interest Forms: 2
- Meeting Notices: 20

For January 1, 2024, through November 31, 2024, the Commission has received the following filings:

- Complaints: 37
- Quasi-Judicial Forms: 30
- Conflict of Interest Forms: 12
- Meeting Notices: 139

The Commission currently has 30 pending complaints.

- ED Binstock provided a Legislative Update (Budget & Senate/House Conflicts of Interest Rules) to the Commission.

Budget

The Executive Budget recommendation was released on December 4, 2024. The Commission submitted its budget request to OMB in July 2024.

The Commission’s base budget for the 2025-2027 biennium was calculated at \$1,121,994. The Commission included 9 optional decision packages in its budget request, as approved by the Commission in July:

1. Commissioner & Temporary Salaries:	+ \$43,403
2. Permanent Salaries (Workload Increases):	+ \$32,542
3. IT Software & Subscriptions:	+ \$19,151
4. Rules Implementation (Contingent)	+ \$50,000
5. Educational Administrator FTE	+ \$278,629
6. Case Management System	+ \$195,000
7. Professional/Legal Services (Contingent)	+ \$50,000
8. Office Furniture	+ \$2,348
9. Increased Travel Costs	+ \$7,760

Total additions for decision packages: \$678,833

The Executive Recommended total budget for the Ethics Commission for the 2025 – 2027 biennium is \$1,500,699, including decision packages (1), (3), and (6) - (9). Decision packages (2), (4), and (5) were not included. The Commission discussed the items not included in the Executive Recommendation.

Motion: Commissioner Goodman motioned to authorize ED Binstock to maintain the Commission’s budgetary requests to the legislature as approved at the Commission’s July 10, 2024, regular meeting. Motion

was seconded by Commissioner Lindquist. Chair Anderson called for a roll call vote. The motion was approved by unanimous roll call vote.

Senate/House Conflicts of Interest Rules

ED Binstock advised that prior to organizational session, Commission staff communicated and met with Legislative Leadership and Legislative Council on potential changes to the Senate and House Conflict of Interest Rules.

Proposed conflict of interest rules were presented during the Rules Committees on December 2, 2024. These legislative conflict of interest rules were then voted on by each house on December 4, 2024. The House adopted new conflict of interest rules, with an amendment to change the “or” to an “and.” The Senate failed to adopt the new conflict of interest rules, meaning the conflict of interest rules for the Senate did not change.

During the 2023 legislative session, N.D.C.C. § 54-66-18 was enacted that requires the legislative assembly to adopt conflict of interest rules and identifies the parameters for what those conflict of interest rules need to do.

Since December 4, 2024, Commission staff have been in contact with Legislative Council and will continue to communicate with their office as well as Legislative Leadership to help the legislature address this issue.

- ED Binstock introduced Legislative Intern, Patrick Frise. Patrick Frise joined the meeting and introduced himself to the Commissioners.
5. **Presentation by Commissioner Sagsveen of COGEL 2024 Conference:** Commissioner Sagsveen attended the 2024 COGEL Conference and provided a summary of his experience. Commissioner Sagsveen advised he was impressed by the programs and suggested the Commission send one or more attendees annually. The presenters addressed ethics issues from unique perspectives. The breakout sessions included ethics issues at the federal, state, and local, and provincial levels and challenges to ethics commissions, primarily funding and efforts to limit jurisdiction and enforcement. Many ethics commissions were established years ago and have very large staff in comparison to the ND Ethics Commission. Commissioner Sagsveen will also provide a written report for the Commission.
 6. **Discussion of Accessibility of Meeting Videos and Filings:** ED Binstock advised the Commission has previously discussed having conflict of interest disclosure forms, quasi-judicial bias disclosure forms, and meeting notice forms available on the Commission’s website. OA Maier is working with NDIIT on a webform for submissions, which would allow forms to be searchable once uploaded to the website. There is a cost associated with these webforms, which is approximately \$1,300. ED Binstock suggested that beginning January 1, 2025, these forms become available on the Commission’s website. Until the webform process is finalized and

automated, OA Maier would manually upload forms submitted for the previous week (Monday through Sunday) on Mondays. At this time, forms would not be searchable but would be available on the Commission's website.

ED Binstock advised Commission staff has been uploading educational materials to the Commission's YouTube Channel since March 2024. ED Binstock recommended the Commission similarly upload the open portions of the Commission's monthly meetings to its YouTube channel beginning January 1, 2025. OA Maier already creates these video recordings each month as they are frequently requested through open record requests. OA Maier suggested meeting notices be uploaded by event date instead of submission date. Commissioner Sagsveen suggested looking into posting the videos directly on the Commission's website instead of YouTube. OA Maier walked the Commission through viewing current educational materials via the website and how they link to the Commission's YouTube Channel. Chair Anderson suggested waiting for the webforms to go live to begin these submissions publicly versus manually uploading the forms in the meantime.

7. **Discussion of Commission's Annual Code of Ethics:** General Counsel Logan Carpenter advised each that January, Commissioners and staff are to sign the Internal Code of Ethics. The Commission's Internal Code of Ethics was last revised in January 2021. GC Carpenter amended the language of the Internal Code of Ethics to align it with the Commission's rules. Commissioners were provided with the amended language.

Motion: Vice Chair Koeser motioned to approve the amended Internal Code of Ethics. Motion was seconded by Commissioner Goodman. Chair Anderson called for a roll call vote. The motion was approved by unanimous roll call vote.

8. **Year-End Report on Education & Outreach:** The Commissioners were provided with a Year-End Report on Education and Outreach for the Commission's educational efforts. ED Binstock presented the following:

- **Educational & Training Presentations:** From January 1, 2024, to December 31, 2024, Commission staff conducted 28 educational and/or training presentations, reaching an estimated 1,000 North Dakota residents.
- **Distribution Lists:** Creation of distribution lists, organized by stakeholder classifications: members of the public, elected officials, appointed officials, legislative employees, points of contacts for boards and commissions, and registered lobbyists.
- **Social Media:** Creation of a Facebook page and YouTube Channel in September 2023 to engage with North Dakotans through social media.
- **Quarterly Newsletter Prairie Principles:** Creation of a Quarterly Newsletter, Prairie Principles, to provide up-to-date information regarding proposed ethics rules, advisory

opinions, educational opportunities, and meeting minutes. Prairie Principles Newsletter was first distributed in July 2024.

- **Dakota Dilemmas Webinar Series:** Development and hosting of a webinar series: “Dakota Dilemmas.” The Commission developed a series of webinars that address different ethics topics. All the webinars are available on the Commission’s website and YouTube Channel.
 1. The first webinar, “Dakota Dilemmas: A Historical Exploration of Ethical Conflicts” was produced and hosted online on March 14, 2024.
 2. The second webinar, “Dakota Dilemmas: A Practical Application of Conflict Rules” was produced and hosted online on April 23, 2024.
 3. The third webinar, “Dakota Dilemmas: Navigating the Complaint Process” was produced and hosted online on June 25, 2024.
 4. The fourth webinar, “Dakota Dilemmas: Lobbyist Gifting – Naughty or Nice?” was produced and hosted online on December 12, 2024.
 - **Frequently Asked Questions:** The Commission’s “Frequently Asked Questions” was updated with substantially more information than was previously available.
 - **Flow Charts:** After being introduced during the Dakota Dilemmas Webinar Series, the Commission has posted several flow charts to assist with managing conflicts of interests when they arise.
 - **Website Rework:** In September 2023, the Commission began the process of improving the accessibility and quality of content on its website.
9. **Discussion of Legislative Proposals: Advisory Opinions, Enforcement Action Process, Gifting Violations, Lobbying by Public Officials, Prohibited Actions Provision, Financial Disclosure Statements:** ED Binstock provided an overview on the Commissions legislative proposals.

Advisory Opinions & Lobbying by Public Officials

Legislation approved by the Commission at its December 2, 2024, Special meeting related to Advisory Opinions and Lobbying by Public Officials were pre-filed with Legislative Council on December 2, 2024.

Gifting Violations

Article XIV, § 2, requires the legislature to set “appropriate civil and criminal sanctions” for certain violations. Some of those criminal sanctions have not yet been set. At the November 20, 2024 meeting, the Commission directed ED Binstock to reach out to Legislative Council. On December 9, 2024, ED Binstock spoke with John Bjornson, Director of Legislative Council regarding this matter. He advised he will communicate this to legislative leaders.

Financial Disclosure Statements/Statements of Interest:

Commission staff met with Secretary of State Howe and staff on December 10, 2024, to further review proposed legislation and discuss legislation language. The Secretary of State's office and Ethics Commission's office staff are now in the process of finalizing language.

Prohibited Actions Provision:

At the November 20, 2024 meeting, the Commission discussed proposed language related to Prohibited Actions. The Commission determined a bill related to this proposed legislation would not be introduced by the Ethics Commission. Commission staff did not pre-file a bill related to the prohibited actions provision.

Commission staff have continued to review the language of the Prohibited Actions proposed legislation. Molly Herrington, Chief People Officer with HRMS, reached out to ED Binstock to discuss possible issues with the proposed language. On December 12, 2024, Commission staff and Chair Anderson met with individuals in the Attorney General's office representing HRMS. Commission staff will continue to work on the language with HRMS.

Enforcement Action Process:

Commission staff have revised the proposed legislative language for the enforcement action process based upon feedback received from legislators, legislative council, and commissioners. These revisions are mostly clarifying language and not substantive. The Commission will not be introducing this piece of legislation. GC Carpenter shared the proposed language with the Commission and went over the changes.

10. **Discussion of Ethics Commission Hearing Process:** GC Carpenter advised that Commissioner Sagsveen suggested creating a mock hearing for the Commission to walk through to identify any issues in the proposed enforcement action process. This will allow for individuals to learn more about what the Commission does in executive session. Commission staff will continue discussions with Commissioner Sagsveen on this project.
11. **Executive Session:** The Commission entered executive session during the general meeting at 11:10 a.m. to discuss Complaint Nos. 23-014, 24-013, and 24-039. Information regarding the content and parties to a complaint to the Ethics Commission is confidential. The following participants entered the executive session: Chair Dave Anderson, Vice Chair Koeser, Commissioners Ron Goodman, Cynthia Lindquist, and Murray Sagsveen, Executive Director Rebecca Binstock, General Counsel Logan Carpenter, and Operations Administrator Alisha Maier.

Executive Session ended at 11:21 a.m. and all participants returned to the regular meeting.

During the Executive Session, the Commission discussed Complaint Nos. 23-014, 24-013, and 24-039.

After Executive session, the following motions were made:

Motion: Vice Chair Koeser moved to Direct Executive Director Binstock to summarily dismiss Complaint No. 24-039 for a lack of subject matter jurisdiction. Motion was seconded by Commissioner Goodman. Chair Anderson called for a roll call vote. The motion was approved by unanimous roll call vote.

12. **Further Business:** ED Binstock advised the Commission has received two advisory opinion requests that the Commission will issue an opinion on per discussion with Chair Anderson. More information will be provided at the next meeting. The Commission was also given notice that a special meeting will likely be called after Christmas.

13. **Adjourn:** The meeting was adjourned at 11:29 a.m. The next regular meeting is scheduled for January 22, 2025, at 9:00 a.m., livestreamed with MS Teams.

Approved on 1/13/25



Rebecca Binstock, Executive Director, North Dakota Ethics Commission