



A Proud Past – A Promising Future
McLean County
STATE OF NORTH DAKOTA

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Mr. Chairman and Members of the Committee:

My name is Ladd Erickson and I am the McLean County State's Attorney. I support the sections in HB1505 that address criminal law, and defer my opinion on the rest of the bill for want of expertise in those sections.

In November 2023, I was appointed as a special outside prosecutor by the Burleigh County State's Attorney, who had a conflict-of-interest in handling a complaint she had received from the North Dakota Ethics Commission regarding Representative Jason Dockter. The nature of the complaint dealt with a building project Rep. Dockter had a financial interest in as a private businessman but had also voted to appropriate money for the project while serving as a legislator - and the Ethic's Commission was mandated by statute to refer the matter to the Burleigh County State's Attorney.

An important role of an outside prosecutor is to ensure that the integrity of the entities involved is maintained and free of public concern that special treatment was given to those entities in the application of law. The entity in need of protection from public scrutiny in the Dockter case was the institution of the North Dakota Legislature. That's on one hand.

On the other hand, with a part-time citizen legislature, clarity is needed in conflict-of-interest laws and rules so people from all walks of life in North Dakota are willing to serve as legislators. To resolve this tension between the two hands in the Dockter case, I decided to add a defense to the charging

document (see attached) that required me to prove to the jury beyond a reasonable doubt that not only were the essential elements of offense violated, but also the conflict-of-interest rules of the North Dakota House of Representatives.

While the criminal provisions in HB1505 would not have changed how the Dockter case was charged or the jury verdict, because it's the same operative law that was used in that case, the bill does provide the necessary clarity to conflict-of-interest law so people have assurance that they will not have legal jeopardy when serving in the legislature if they follow the legislature's conflict-of-interest rules. Therefore, this is a good bill I respectfully request that you support.

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

State of North Dakota,)
)
 Plaintiff,)
)
 vs.)
)
 Jason Dean Dockter,)
)
 Defendant.)

CRIMINAL COMPLAINT

Burleigh County Cr. #08-2023-CR-03618

The undersigned complainant, being first duly sworn, charges that on or before the 1st day of May, 2023, in Burleigh County, North Dakota, the above-named Defendant committed the offense of:

SPECULATING OR WAGERING ON OFFICIAL ACTION OR INFORMATION,
in violation of N.D.C.C. § 12.1-13-02 by then and there:

(1) A person is guilty of a class A misdemeanor if during employment as a public servant, or within one year thereafter, in contemplation of official action by himself as a public servant or by a government agency with which he is or has been associated as a public servant, or in reliance on information to which he has or had access only in his capacity as a public servant, he: (a) Acquires a pecuniary interest in any property, transaction, or enterprise which may be affected by such information or official action; (b) Speculates or wagers on the basis of such information or official action; or (c) Aids another to do any of the foregoing.

(2) A person is guilty of a class A misdemeanor if as a public servant he takes official action which is likely to benefit him as a result of an acquisition of a pecuniary interest in any property, transaction, or enterprise, or of a speculation or wager, which he made, or caused or aided another to make, in contemplation of such official action.

To-wit: As a member of the North Dakota House of Representatives, the defendant did the official action, as defined in N.D.C.C. § 12.1-01-04(20), of voting on legislative bills appropriating money to pay for property he had acquired a pecuniary interest in, and did so in violation of this section and the rules of the North Dakota Legislature.

Penalty Section: N.D.C.C. § 12.1-13-02
Class A Misdemeanor

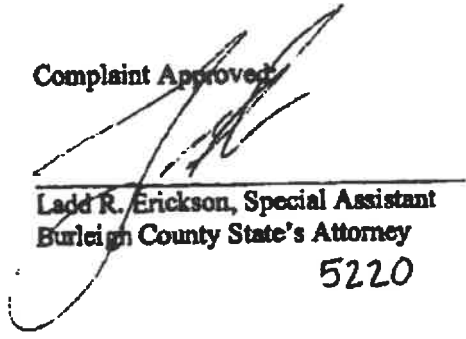
All of this against the peace and dignity of the State of North Dakota.


Karissa K. Rittenbach, Complainant


District Judge

12/21/2023

Complaint Approved


Ladd R. Erickson, Special Assistant
Burleigh County State's Attorney

5220

P.C. found based
upon testimony of
R. Binstock.