

ND | ETHICS  
COMMISSION

To: Senator Mathern

From: Rebecca Binstock, Executive Director

Date: April 24, 2025

Re: Information for Education FTE

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The Commission's responsibility to offer educational instruction regarding state ethics laws is critical to efficient and fair functioning of government operations in North Dakota. Creating awareness of ethical governance for public officials and employees reminds those in public service of the potential for conflicts of interest to public decision-making and in spending public money. Direct interactive and practical training and informational efforts assist public officials, lobbyists, candidates for office, and others in understanding and complying with the state ethics laws.

North Dakota's Ethics Commission is relatively new as it was created in late 2018 and implemented in late 2019. Many state ethics commissions have been in existence for decades, with the first state ethics commission established by Hawaii in 1978. Discussions with individuals serving these state ethics commissions and a review of their history demonstrate many were initiated as enforcement agencies with minimal prevention initiatives.

As these entities matured, many shifted their efforts to prevention through education, training, and communication in conjunction with enforcement. The rationale for this is straightforward: the public ultimately benefits when ethical decision-making and the fair functioning of state government happens, instead of addressing an issue after the decision-making has occurred.

In December 2022, Albany Law School's *Report on Independent Ethics Commission in the United States and U.S. Territories* demonstrates 39 independent ethics commissions (including some city and municipal ethics commissions) across the country provided training and/or educational materials as of 2022. North Dakota was not listed as a jurisdiction to provide education or training. However, the de facto national standard for independent ethics commission is an expectation to provide guidance, training, and education to public officials, candidates for office, lobbyists, and citizens.

Public officials who face an ethics-related crisis can feel isolated, with nowhere to turn. A sense of isolation, in fact, is a primary reason why they don't speak up at all. It is of vital importance public officials learn they are not alone and have someone to turn to for help. While most public officials act lawfully and want to do the right thing, ethics commissions observe public officials and employees often do not immediately recognize their own potential conflicts of interest and often need assistance in identifying the correct course of action.

In our conversations and interactions with other state ethics commissions, the question is not whether we should educate and train, but instead how to implement best practices to ensure understanding of ethical principles. This often relies on pedagogy – the method and practice of teaching. In 2023, I attended the Annual COGEL (Conference on Governmental Ethics Laws) conference. Many of the seminars offered at the conference focused on how to better train and educate employees and public officials. In fact, many ethics commissions were discussing how they implemented or were looking to implement training platforms to reach all stakeholders and how their team of educators could make a bigger impact by using these platforms.

After attending this conference, it became clear ethics commissions across the country were just as focused on preventative education/training as they were on enforcement. Our research supported that same conclusion – preventative education is more productive than retrospective enforcement. Ultimately, preventative education saves time and resources, provides education, Instead of policing behavior, ethics education fosters a culture where ethical decision-making becomes the norm and can result in a reduced need for enforcement. Education helps individuals navigate complex or ambiguous situations where rules might not apply directly, and empowers an open dialogue about ethics, instead of fostering defensiveness.



## Mathern, Tim

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To:

Cc:

Subject:

Binstock, Rebecca <rebinstock@nd.gov>

Wednesday, April 30, 2025 6:56 AM

Mathern, Tim

Maier, Alisha; Carpenter, Logan

Education FTE Job Responsibilities

Good Morning, Senator Mathern:

The Commission has requested an FTE for the purpose of education and communications. Most ethics commissions focus significant resources on education and training to prevent ethical issues. According to Albany Law School's *Report on Independent Ethics Commission in the United States and U.S. Territories* (Dec 2022), 39 independent ethics commissions across the country provided training and/or educational materials. North Dakota was not included.

The Education and Communication Administrator will have the following job responsibilities:

- Develop tailored ethics education curriculum standards for stakeholder groups (elected officials, individuals serving on boards and commissions, executive branch appointed employees, other public employees, citizens, candidates for office, and lobbyists) focusing on transparency, corruption, elections, and lobbying.
  - Curriculum components include substantive areas as well as education on ethical decision-making and ethical awareness
  - Relies on data-tested pedagogical standards
- Maintain all curriculum to align with updates in North Dakota rules and laws.
- Develop core educational content to align with curriculum standards which can be accessed across Ethics Commission communication channels
- Create and maintain educational materials to include: Fast Fact Sheets by topic; Short Instructional videos by topic; Self-Help webpage
- Develop a detailed, comprehensive Guide to North Dakota ethics laws to explain the constitution, statutes, and rules in plain language.
- Provide informal guidance to public officials in collaboration with general counsel
- Coordinate and lead workshops, webinars, and seminars on state ethics laws, conflicts of interest, financial disclosures, and related topics.
- Represent the Ethics Commission at conferences, community events, and public forums.
- Respond to open records requests
- Respond to press inquiries in collaboration with the executive director
- Develop communication channels to public officials, lobbyists, and candidates for office subject to Commission rules
- Serve as a liaison for state agencies (and even local governments in the future) on ethical issues
- Promote state programs and actions that build trust in government (some ethics commissions do this through a Podcast format)
- Develop, write, and distribute a periodic ethics education newsletter featuring updates on ethics law, training opportunities, compliance tips, and recent Commission activity.
- Coordinate with operations administrator to ensure educational material branding, formatting, and delivery align with Commission standards.
- Develop metrics to measure ethical prevention and compliance – demonstrable to the public.
- Promote synchronous activities between North Dakota citizens and public officials aimed at increasing trust in people.

Currently, the Commission's general counsel dedicates roughly 33% of his time to educational efforts; the Executive Director dedicates roughly 33% of her time to educational efforts as well. Education is one of the cornerstones to develop ethical awareness and an ethical culture. Research demonstrates a robust ethics educational program is one of the cornerstones of effective government and citizen trust in government decision making. Therefore, ethics education is a priority for the Commission. However, without an individual specifically charged with developing and maintaining ethics education, general counsel and executive director time is diverted to educational efforts and away from complaint resolution. The addition of an education/communication administrator will reallocate the time of general counsel and executive director to complaint resolution.

Again, this is not a comprehensive list.

Thank you,

**Rebecca Binstock**

*Executive Director*

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## Mathern, Tim

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**From:** Binstock, Rebecca <rebinstock@nd.gov>  
**Sent:** Tuesday, April 29, 2025 12:09 PM  
**To:** Louser, Scott C.  
**Cc:** Mathern, Tim  
**Subject:** Executive Assistant duties v. Operations Administrator/Manager

Good Morning, Representative Louser:

Here is the information you requested about move of the Commission's executive assistant position to an operations administrator position.

This position was reclassified from an executive assistant at grade 104 to an operations administrator at a grade 105 in June 2024. This reclassification is due to both the quality and quantity of the work expected of someone in this role. At the time of the reclassification, only a small portion of the role was assisting the Executive Director and Commissioners with administrative tasks. With the growth in filings, personnel, and budget the role actually supported the internal operations of the Commission. At the time of the reclassification, the individual in this role did not receive a pay increase because of the Commission's limited budget. With only 3 staff members, there is no wiggle room in our salary appropriations when we have a reclassification.

As an executive assistant, the job description included administrative duties such as scheduling, answering phones, mailing, logistics for meetings, minutes, assisting with Commission payroll, p-card administration, and some procurement administration. With the reclassification to operations administrator, the position now also

includes:

- Maintaining and updating internal operating procedures
- Liaison between IT vendors and the Commission on IT projects (this has been very time-consuming this past biennium as the Commission created online, submittable state forms with NDIT)
- Management and maintenance of online form submissions, including troubleshooting JotForm and Webform issues
- Website design and content management
- Procurement Liaison
- Fiscal responsibilities include: Budget projections, accounts payable, accounts receivable, monthly financial reports and reconciliation, fiscal impacts of proposed rules and action
- COGEL Liaison for updating nationwide databases
- Records Coordinator
- Audit Coordinator
- Physical asset management
- Creation and Maintenance of Distribution Lists
- Completes annual ACFR closing packages and Fraud Risk Assessments
- Marketing & Social media management (including content creation, scheduling, reviewing social media analytics)
- Educational engagement tracking
- Legal assistant to general counsel and SAAGs
- Wellness Coordinator

This is certainly not an exhaustive list of responsibilities. I would note many agencies have 2-3 people doing the work described above, particularly splitting the operations, fiscal, and record management aspects of the above described work. Additionally, many agencies contract out social media engagement. We are asking the



operations administrator at the Commission to be a Jane or Jack of all trades – maintaining a comprehensive knowledge of many areas of fiscal and operational management. The operations administrator position was reclassified because of the increase in responsibilities and workload, but there was no corresponding salary increase. On a personal note, I am very concerned about losing Ms. Maier to another state agency because less can be asked of her and she will receive more compensation. If the Commission would need to replace her, I believe it would take at least 2 full-time employees to do the work Ms. Maier is currently doing.

Also, please keep in mind, the funds requested (~\$24,000) include funds for both salary and benefits for the next biennium.

Please let me know if you would like additional information.

Thank you,  
Rebecca

**Rebecca Binstock**  
*Executive Director*

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