

CONFLICT OF INTERESTS FOR COMMISSIONERS

The Commissioners appointed to serve on the Commission on Legal Counsel are subjected to the Ethics Commission regulatory authority. Therefore, any Commissioner who has a conflict of interest shall declare the Conflict of interest on the record. The Conflict declaration shall be made part of the official minutes of the commission meeting. The Commissioner declaring a conflict then must choose to recuse themselves and not vote on the matter at hand or ask the neutral reviewer for help. The Commission formally recognizes the remaining commissioners as the neutral reviewers who will determine whether the potential conflict of interest does or does not constitute a disqualifying conflict of interests. The non-declaring commissioners shall consider the following factors in making their determination:

- 1) Weight and deference to public official to perform duties;
- 2) Materially affect independence of judgment;
- 3) Any law that would preclude recusal or abstention;
- 4) The size of the personal benefit; and
- 5) Any guidance from the ethics commission.

The determination of the neutral reviewer shall be made part of the official minutes of The Commission. The Executive Director or their designee shall then file the Notice of Conflict form with the North Dakota Ethics Commission.

Approved by The Commission at the December 4, 2024 Quarterly Meeting