

**STATE BOARD OF PUBLIC SCHOOL EDUCATION
SPECIAL MEETING
MINUTES OF MEETING
June 20, 2024**

State Board of Public School Education members met via Teams on Monday, June 20, 2024. The meeting was called to order by Chairwoman Sonia Meehl at 11:47 a.m.

State Board Member Present Virtually:

Chair Sonia Meehl
Vice Chair Mike McHugh
Superintendent Kirsten Baesler
Board Member Lyndsi Engstrom
Board Member Josh Johnson
Board Member Eric Nelson

State Board Members Absent:

Board Member Burdell Johnson

Others Present Virtually: Allyson Hicks (Asst. Atty General), Shauna Marchus (NDDPI Admin)

Chair Meehl started the meeting and immediately handed over the chairmanship to Vice Chair Mike McHugh.

1. Discussion and possible board vote on the potential conflict of interest related to Chair Meehl for the Purintun Annexation Appeal hearing set for Monday, June 24, 2024.

Vice Chair McHugh asked Sonia Meehl to explain the potential conflict of interest that has been brought to the board's attention.

Sonia Meehl explained that the petitioners of an upcoming annexation hearing include Jim and Corene Purintun, whom she knows personally. Sonia Meehl noted that she became acquainted with Jim and Corene about ten years ago through their children's sports activities and that her eldest son and their youngest son (not Justin) competed against each other in high school sports, and the children played on a traveling basketball team together. Sonia Meehl stated that she considers Jim and Corene to be her friends, but she does not interact with them regularly. She noted that the last time she saw or spoke to them was in 2021. Sonia Meehl confirmed she has never discussed the petition with the Purituns, has not talked about her role on this board with them, and has nothing to gain or lose personally if the annexation is approved or denied.

Allyson Hicks explained that under the Ethics Commission rules, it is the public official's call to whether or not there is a potential conflict of interest and whether or not the conflict rises to the level that recusal is warranted. As the first analysis, Allyson Hicks asked Sonia Meehl to state whether or not she feels, as a public official, that this conflict rises to the level that a potential conflict of interest exists and whether there is an appearance of bias to a reasonable person such that she would choose to recuse herself from participating in the annexation hearing. Sonia Meehl answered that she does not feel the need to recuse. She stated she feels she can do her duty as a board member without prejudice in favor or against the petitioners.

Allyson Hicks then asked Sonia Meehl if she would like to defer this to the recommendation of the neutral decision-makers, which would be the remainder of the board, because this would offer her a safe-harbor under the Ethics Commission's administrative rules. Sonia Meehl answered, yes. Allyson Hicks then stated that Sonia Meehl was out of the discussion at this point, unless the board members have specific questions for her. Allyson Hicks explained that the board should discuss the level of conflict, and entertain a motion as to a recommendation to Sonia Meehl of whether or not the board would recommend to Sonia Meehl that she recuses or not. Allyson Hicks added that if Sonia accepts the board's recommendation then she receives safe-harbor, but she is not required to accept it.

Allyson Hicks then gave a detailed explanation of how this situation related to the Ethics Commission Administrative Code title 115-05, Quasi-Judicial Proceedings, which defines a potential conflict of interest as a situation where a board member received a gift from one of the parties as a significant financial interest in one of the parties or has a relationship in a private capacity with one of the parties. A relationship in a private capacity is defined as a past or present commitment, interest, or relationship involving the board member's employer, or individuals with whom the board member has a substantial and continuous business relationship. Allyson Hicks then added that a relationship in a private capacity from the expanded general conflict of interest rule's definition, not the Quasi-Judicial one, also includes either a member of the public official's immediate family or an individual residing in the public official's household.

Board Discussion:

Mike McHugh noted that, based on Sonia Meehl's account, there had been no relationship or interaction with the Purintuns in three years and he does not see this situation as meeting the conflict of interest defined previously by Allyson Hicks.

Superintendent Baesler stated that she does not see any conflict of interest for Sonia Meehl. She highlighted that none of the criteria for a conflict of interest, as outlined, apply to Sonia's relationship with the Purintun family. She expressed confidence in recommending that Sonia Meehl participate in the hearing without recusal and has no reservations in allowing Sonia Meehl to be an active participant in the hearing on Monday.

Superintended Baesler moved that the board recommend that Sonia Meehl participate fully in the hearing regarding the Purintun Annexation. Lyndsi Engstrom seconded the motion. No additional discussion was held.

NAME	VOTE (Yes/ No)
Board Member Josh Johnson	Yes
Board Member Lyndsi Engstrom	Yes
Board Member Eric Nelson	Yes
Superintendent Kirsten Baesler	Yes
Vice Chair Mike McHugh	Yes
Board Member Burdell Johnson	Absent – No Vote

Chair Sonia Meehl	Abstained
-------------------	-----------

The motion passed unanimously, 5-0-1. Allyson stated that the vote concluded the Ethics Commission analysis of the conflict of interest to address Sonia Meehl's personal liability.

Allyson Hicks then explained the need to also protect the board from any type of appeal. She explained that the Attorney General's office has recommended the application of N.D.C.C §44-04-22, which states that a board member acting for a political subdivision of the state, who has a direct and substantial personal or pecuniary interest in a matter before the board, council, commission, or other body, must disclose the fact to the body of which that person is a member, and may not participate in or vote on that particular matter without the consent of a majority of the rest of the body. She specified that it is not statutorily required, however, the Attorney General's office has recommended that the Board apply this statute as a best practice. She defined the following:

- Direct: renders the person incompetent and directly relates to that person
- Substantial: more than nominal, greater than usual.
- Personal: belongs specifically to that person, it is not a generalized issue.
- Pecuniary: financially related.

Board Discussion:

Superintendent Baesler stated that she does not see Sonia Meehl's relationship meeting any of the elements listed. Mike McHugh agreed.

Lyndsi Engstrom acknowledged that, as per Allyson Hicks' definition, a substantial conflict could be seen as greater than usual; she sees that as potentially occurring, however, she stated that she believes that Sonia Meehl can do her job without bias.

Josh Johnson stated that he agrees with the statements made by Lyndsi Engstrom and Superintendent Baesler.

Eric Nelson moved that there is not a direct and substantial personal or pecuniary conflict, and the board moves to allow Sonia Meehl to participate in the Purinton Annexation hearing. Superintendent Baesler seconded the motion. No further discussion was held.

NAME	VOTE (Yes/ No)
Superintendent Kirsten Baesler	Yes
Board Member Josh Johnson	Yes
Board Member Eric Nelson	Yes
Board Member Lyndsi Engstrom	Yes
Vice Chair Mike McHugh	Yes
Board Member Burdell Johnson	Absent – No Vote

Chair Sonia Meehl	Abstained
-------------------	-----------

The motion passed unanimously, 5-0-1.

Allyson Hicks then discussed how the board should address this special meeting at the hearing on Monday. She stated that this was not part of the hearing process; this was just a meeting.

Mike McHugh passed the meeting back to Chair Meehl. Chair Meehl thanked everyone for coming to this special meeting and adjourned it at 12:10 p.m.

Respectfully submitted,

ATTEST:

Sonia Meehl
Chairwoman

Date

Kirsten Baesler
Executive Director & Secretary

Date

Minutes taken and prepared by Shauna Marchus