

**MINUTES**  
**October 29, 2020**  
**1:00 P.M.**  
**Special Board Meeting-Zoom Video Conference**  
**NDPISB**

1. Chairman Mike Wetsch called the Zoom special meeting to order at 1:00 p.m. Board members present: Mike Wetsch, Justin Blinsky, Ernie Thurman, and Randy Ziegler. Board members absent: Jason Nelson and Steven Lundin. Others present: Executive Director John J. Shorey III, Assistant Attorney General Allyson Hicks, Assistant Attorney General Courtney Titus, and Victoria Noble.

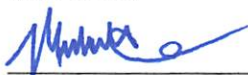
2. Assistant Attorney General Hicks advised John had previously distributed the proposed order on the petition to intervene. Ernie made a motion to adopt the proposed order. Justin seconded. A roll call vote was taken, and it was unanimous to approve the motion.

3. Assistant Attorney General Hicks advised the Board had previously considered an open records request from Jennifer Racine, ETP's litigation counsel, at the October 5, 2020 special meeting. Assistant Attorney General Hicks advised at that time the Board was not in active litigation with ETP, but is now. Assistant Attorney General Hicks advised on advice of legal counsel it's advised that the Board make a motion to rescind the approval of the response to that open records request and refer Ms. Racine to the discovery process found in 44-04-18 subsection 6.

Justin made a motion to rescind the previous approval and make Ms. Racine obtain the documents through the discovery process. Ernie seconded. A roll call vote was taken, and it was unanimous to approve the motion.

4. A motion was made by Randy to close the meeting for an executive session for attorney consultation (44-04-19.1(2)) concerning ETP and Dakota Access v. ND PISB and TigerSwan Civ. No. 08-2020-CV-02788. Seconded by Ernie. A roll call vote was taken, and it was unanimous to go into executive session. The executive session began at 1:06 P.M. The executive session adjourned at 1:17 P.M. The public was invited back for the open session of the meeting. Assistant Attorney General Hicks advised she would contact Victoria Noble, who is an attorney, that the Board was out of executive session. Victoria Noble joined the meeting at 1:19 P.M. Randy made a motion for the Board's attorneys to proceed as discussed in executive session. Ernie seconded. A roll call vote was taken, and it was unanimous to approve the motion.

5. Justin Blinsky made a motion to adjourn the meeting. Randy Ziegler seconded. A roll call vote was taken, and it was unanimous to approve the motion. The meeting was adjourned at 1:20 P.M.



Chairman

11-19-20

Date



NDPISB Executive Director

11-17-2020

Date