

**TIOGA CITY COMMISSION REMOVAL HEARING  
APPOINTIVE OFFICIAL – CITY AUDITOR  
(Hearing conducted in accordance with N.D.C.C. 40-15-07)**

**Findings of Fact, Conclusions of Law, Order Removing Appointive Official**

**IN THE MATTER OF:** Abby Salinas, Tioga City Auditor  
Removal Proceedings

**Hearing Date and Time:** Monday, September 23, 2024 – 6:00 pm Central Time

**Hearing Location:** Tioga City Hall  
16 - 1<sup>st</sup> Street NE  
Tioga, ND  
In the Commission Chamber  
(Entrance to Commission Chamber off Welo Street)

***Procedural Background***

- [¶1.] Abby Salinas (“Salinas”) was last re-appointed to serve as the City of Tioga’s Auditor at the City’s reorganizational meeting conducted on July 1, 2024.
- [¶2.] In the months that followed her re-appointment, Salinas continued to serve in her appointive official capacity as the City Auditor for the City of Tioga (“the City”).
- [¶3.] Per typical/regular meeting schedule of the City, the City of Tioga Commission (“the Commission”) conducted a regular meeting on September 16, 2024 (“the Meeting”);
- [¶4.] During the Meeting, per the terms of N.D.C.C. 40-15-07, Commissioner Iverson set forth on the record various preferred charges (i.e., allegations of official misconduct), which were alleged to have been committed by Salinas in her capacity as City Auditor;
- [¶5.] The preferred charges submitted on the record at the Meeting by Commissioner Iverson are summarized as follows:
- a. An alleged violation of N.D.C.C. 40-16-11 (“*Funds – controlled by governing body – exceptions – disbursement on order*”), to wit:

That in, near or during the week of September 9, 2024, the Auditor, without advance authorization/direction from the Tioga City Commission pursuant to the provisions of N.D.C.C. 40-16-11, did draw out and thereafter transfer

approximately \$10,000,000.00 in City funds from one City account to another City account (hereinafter referred to as “the Transfer”) and that one or more Commission members was notified of such occurrence only after the withdraw and transfer had occurred;

- b. An alleged violation or violations of N.D.C.C. 40-16-03 (“*Duties of city auditor in general*”), to wit:

That in, near or during the week of September 9, 2024, the Auditor did act outside of the scope of her statutory authority in relation to the Transfer in that:

1. The Auditor failed to present the Commission communications from the Bank of Tioga and/or other parties relating to the Transfer in violation of subsection 8 of N.D.C.C. 40-16-03; and/or
2. The Auditor failed to properly comply with subsection 11 of N.D.C.C. 40-16-03 because the Commission members did not direct the Transfer and the Commission was not promptly informed of the details/accounting of the Transfer.

[¶6.] A verbatim record of the Meeting is available for review on the City’s YouTube Channel under the header “September 16, 2024 Commission Meeting”, which is available at: <https://www.youtube.com/watch?v=pzwFMct7GWg&t=2443s>

[¶7.] At the Meeting, to follow Commission Iverson’s recitation of the alleged preferred charges, on a motion and second, and with a majority vote in favor of the motion, the said City Auditor was suspended with pay and with certain access restrictions, subject to the outcome of a hearing to be taken pursuant to N.D.C.C. 40-15-07.

[¶8.] At the meeting, a hearing on the preferred charges was ordered to be conducted in accordance with the provisions of N.D.C.C. 40-15-07; such hearing was set for Monday, September 23, 2024, at 6:00 pm Central Time, at Tioga City Hall (“the Removal Hearing”).

[¶9.] A written Notice of Removal Hearing was personally served upon Salinas on September 18, 2024.

[¶10.] Accordingly, the Removal Hearing was conducted on September 23, 2024, at 6:00 pm, at Tioga City Hall in accordance with the Notice. These Findings and the incorporated Order summarize the Removal Hearing and will be maintained among the City’s records.

***Summary of Testimony, Evidence, and Discussion Offered at Hearing***

[¶11.] The Removal Hearings was called to Order at 6:00 pm on September 23, 2024, by Commission President Brett Rieniets.

[¶12.] It was determined that a quorum was present for the Removal Hearing; personally present were Commissioners Jaden Iverson, Jessica Steele, and Steven Dye. Commission President Brett Rieniets also appeared in person. The City’s legal counsel, Liz Pendlay, appeared via Zoom.

[¶13.] Abby Salinas made personal appearance at the Removal Hearing. Salinas was unaccompanied by an attorney. Salinas was asked if she had received the Notice of Hearing. She confirmed she had. She was presented with various documents which the Commission intended to offer and which were ultimately received into the Removal Hearing record. After brief discussion, Salinas indicated she was familiar with the records. Salinas was asked if she was prepared to proceed. Salinas was advised that if a continuance was needed to prepare and participate, she was entitled to request one. Salinas declined a request for continuance and indicated she was prepared to proceed with the Removal Hearing at that time.

[¶14.] The Commission President read the allegations/preferred charges into the record (paragraphs 3(a) and 3(b)(1) and (2) of Notice of Hearing).

[¶15.] Commissioner Iverson set forth various facts and documents that formed the basis of the evidence which Commissioner Iverson believed supported the preferred charges.

[¶16.] Each Commissioner member was offered an opportunity to offer or discuss evidence in favor of or against the preferred charges. A verbatim record of the Removal Proceedings (and all discussion contained therein) appears on the City’s YouTube Channel under the heading “09-23-2024 Public Hearing - Removal Hearing”, and which may be accessed at: [https://www.youtube.com/watch?v=\\_kGLxcHcsvI&t=1421s](https://www.youtube.com/watch?v=_kGLxcHcsvI&t=1421s). The totality of the proceeding was recorded and captured on the City’s YouTube Channel and that material is fully incorporated herein by reference.

[¶17.] Commissioner Steele provided additional information and procedural facts relevant to the background and basis for the transfer at issue. In summary, Commissioner Steele indicated that she believed the transfer should have occurred much earlier and re-demanded/re-directed that the funds be transferred after the September 3, 2024, meeting and before the September 16, 2024, meeting in accordance with a prior Commission directive. Commissioner Steele also indicated she had made inquiry of other officials outside of the City (i.e., a member of the State Auditor’s Office) to follow the events of the September 16, 2024, meeting and gave brief analysis of her concerns relating to allegations and/or underlying statutes to be considered in connection with the preferred charges.

Commissioner Steele called Deputy Auditor Ronica Pederson to give further and other information regarding the transfer and the views offered by other officials outside of the City. Per Pederson, the State Auditor's Office representative with whom she and Commissioner Steele conferred, indicated the Transfer would not violate the provisions of N.D.C.C. 40-16-11. Commissioner Steele believed there was severe misunderstanding, rather than a violation based upon all of that information.

[¶18.] Commission Dye was asked for his input as to the alleged violations. He had nothing to share at that time.

[¶19.] Salinas was offered an opportunity to share her evidence and views surrounding the alleged violations. Salinas shared aspects of negative experiences she had while in the employ of the City. Salinas denied having committed wrongdoing or having made any misstep with regard to the Transfer. Salinas offered a letter from prior Commission President Kevin Litten, which was received into the record. The letter referenced prior City minutes and decisions, which Salinas alleged authorized the Transfer, albeit at an earlier date (the authorized transfer was to occur in May of 2024, and per the Litten letter, he had reminded her of the need to complete the Transfer again in June and thereafter left office after election results came to pass). Salinas read other minutes of similar nature. Abby also shared entries from her work log. Per Salinas, her work log entries documented various activities which occurred in September 2024. Salinas indicated that Steele had, in fact, re-directed the completion of the Transfer in September 2024. Salinas further alleged that according to her work logs, Commission President Rieniets re-directed the Transfer in September 2024. Salinas initially also suggested that Commissioner Iverson was aware of the situation with the Transfer and knew it to have been authorized. In sum, Salinas conceded that the Transfer did not occur when ordered (May 2024), but argued that she had been authorized by prior minutes, prior commission members, current Commissioner Steele, and current Commission President Rieniets that made the Transfer authorized when it was ultimately completed in September 2024. Salinas also indicated that she was regular communication with Commission members and told Commissioners "everything." Salinas denied any fault, responsibility, or liability in relation to the preferred charges in light of the information she presented.

[¶20.] Commission President Rieniets asked the Commission members if they had any rebuttal presentation to offer after Salina's presentation ended.

[¶21.] Commissioner Iverson denied and corrected the communications Salinas alleged occurred between them, indicating he never authorized or directed a transfer of any sort and instead merely inquired of various interest rates on City accounts. He advised that he later became aware of the Transfer only after it was completed by Salinas in September. Salinas did agree with Commissioner Iverson's clarification regarding their communications, but maintained the Transfer was earlier authorized in any event and even without his authorization.

[¶22.] Commission President fundamentally denied having directed the Transfer and indicated the Salinas had fabricated any communication that suggested such authorization

from him. Commission President Rieniets gave a detailed recitation of the communications between he and Salinas and indicated that he, too, took notes of calls as well. Rieniets detailed a discussion regarding the status of funds, inquiries regarding interest rates, and a request to place the matter on the next agenda for further informed discussion after Commission members had all information necessary to make decisions. He indicated that Salinas declined to put that discussion on the agenda – and that he had encountered similar frustration in attempting to request agenda item requests on other unrelated requests prior to matter at issue in this instance. Commission President Rieniets fully denied having authorized any transfer whatsoever. Commissioner Iverson added additional information in support of Rieniets’ recitation of events and communications, which competed directly with those suggested by Salinas.

[¶23.] Salinas requested the re-calling/testimony of Ronica Pederson to discuss those conflicts in recollection to the degree it was within the scope of the rebuttal case. Pederson, citing stress, overtime, and heavy workload, and a trip to Williston, which resulted in a request that Pederson make transfer of certain funds to the City’s “main depository,” while on other errands in Williston indicated she made the Transfer. Pederson indicated that there had been multiple issues that caused work to “fall through the cracks” for several months, and that Salinas had asked her to tie up the Transfer while in Williston on that particular date. Pederson said that Salinas represented to Pederson in the course of the request relating to the Transfer that Iverson and Rieniets directed the Transfer. Pederson made the transfer per Salinas’ instructions with that information in hand.

[¶24.] Commissioner Steele made inquiry as to where the funds were and what happened after the conclusion of the expiration of the CDs. Commission President Rieniets made inquiry about whether the funds sat at a lower interest rate once released from the CDs outside of the main depository. Pederson confirmed that was correct, and that unfortunate scenario/situation (ie, the funds being held at a lower interest rate) was the result of short staffing within the Office of the Auditor. Commission President Rieniets indicated he sympathized with short staffing issues, but was nonetheless concerned about a failure to prioritize \$10,000,000.00 in City funds.

[¶25.] Salinas further generally indicated she would have been on medical leave during a portion of the time period at issue.

[¶26.] Commissioner Dye spoke, and stated he understood that inquiries of the Commission were made to Salinas. He indicated he did not understand why there was no time to earlier complete the Transfer, a request to revisit the issue was not placed on the agenda, the funds sat at a lower interest rate, and there was no authorization for the Transfer when it occurred. Salinas reasserted that there was prior authorization, but there was a lot going on, which prevented it being done timely, and she was on medical leave for a period of time in that window.

[¶27.] After full presentation and rebuttal was had, the City’s counsel inquired as to whether there was any additional fact presentation from either party. There was no additional fact testimony or evidence offered from the City or Abby.

[¶28.] The Commission proceeded to argument and analysis of what had been presented.

[¶29.] The Commission President offered his view that he had hoped at the outset of hearing there would be an opportunity for recourse and that mistakes were typically learning opportunities and the likelihood of the same mistake was probably low. That said, he indicated he had pause because of Salinas' approach to the situation; he indicated that he perceived a concerningly low level of accountability for the mistakes at issue, and was also concerned with false representations from Salinas about what he believed was said between he and Salinas in the period leading up to the Transfer. Salinas replied and confirmed that she believed that she was authorized by Rieniets and that he never asked for an agenda spot.

[¶30.] Commissioner Iverson again asserted that he believed that Salinas' account of conversations with Rieniets was not credible based upon his interactions with parties in that window. Iverson maintained that Salinas acted outside of the scope of her authority and the bounds of the statutes at issue.

[¶31.] Commissioner Steele offered that the Auditor's Office was terribly short staffed, and she, herself, was blindsided by the request for Salinas' suspension and removal. Steele believed that communication and related executive stresses and changes contributed to the mistakes and felt there was a better way in which matters could have been addressed. Commission President Rieniets understood her position and concerns but cited the need for communication and collective work efforts. Iverson reiterated his concerns and further raised that he felt Salinas had a habit and practice of under-communicating; Iverson indicated he felt "shut out" of City business based upon those issues and that managerial arrangements were a problem in the Auditor's Office because the roles of supervisors and employees were, as a practical matter, reversed, which was unacceptable in his estimation. Salinas asserted that it was a misunderstanding with regard to under communication – she indicated she was used to people calling her, but said had she known, she could have reached out as well. Commissioner Iverson re-raised the concerns of supervisory versus subordinate roles. The parties disagreed on those views and perspectives.

[¶32.] Salinas asserted the existence of a forgone conclusion, which she believed had been made on July 1, 2024, and which she believed was adverse to her station in the City from that point forward. She stated she had hoped initially that fear/perspective would dissipate, but it did not, and she appreciated the work and time she had with the City. Commission President Rieniets again stated he had hoped there would be a chance for recourse, but given what had transpired in the hearing, he was personally concerned as to whether that remained viable.

After hearing all facts and testimony, and after reviewing all evidence, and after hearing and considering the arguments, discussions, and views of all involved, the City Commission made the following:

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. That notice was properly given with respect to the above-identified matter, all in accordance with N.D.C.C. 40-15-07.
2. That the Removal Hearing was conducted timely in accordance with the provisions of N.D.C.C. 40-15-07.
3. That on a motion, second, and majority vote of the Commission, the Commission found that Salinas committed a violation of N.D.C.C. 40-16-11 (“*Funds – controlled by governing body – exceptions – disbursement on order*”) as more particularly set forth in the recorded/video record of the proceedings, which is fully incorporated herein by reference.
4. That on a motion, second, and majority vote of the Commission, the Commission found that Salinas committed one or more violations of N.D.C.C. 40-16-03 (“*Duties of city auditor in general*”) as more particularly set forth in the recorded/video record of the proceedings, which is fully incorporated herein by reference.
5. That, on a motion, second, and majority vote of the Commission, the appropriate remedy for such violations was removal of Abby Salinas from her position as City Auditor.

**ORDER REMOVING ABBY SALINAS FROM APPOINTIVE OFFICE**

**TO: ABBY SALINAS**

1. The Tioga City Commission hereby FINDS that the above-described violations of N.D.C.C. 40-16-11 and 40-16-03 did, in fact, occur; and
2. The Tioga City Commission herein ORDERS the removal of Abby Salinas from her appointive office as City Auditor, finding that such course is the most appropriate and necessary remedy available in this instance.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**TIOGA CITY COMMISSION**

By: \_\_\_\_\_  
BRETT RIENIETS,  
Commission President

**ATTEST:**

By: \_\_\_\_\_  
DESIREE HANSON,  
Acting Interim City Auditor