STATE OF NORTH DAKOTA
OFFICE OF ATTORNEY GENERAL
www.attorneygeneral.nd.gov
(701) 328-2210

Drew H. Wrigley
ATTORNEY GENERAL

OPEN RECORDS AND MEETINGS SUMMARY OPINION
2026-SO-29

DATE ISSUED: November 23, 2026

ISSUED TO: Cass County Commission

SUMMARY OPINION[1]

Christopher Coen requested an opinion from this office under N.D.C.C. § 44-04-21.1 asking whether the Cass County Commission (Commission) violated N.D.C.C. § 44-04-20 by failing to properly give notice to Mr. Coen, who had requested individual notice of the Commission's meetings, of its special meeting of September 22, 2025. The Commission concedes the personal notice was not provided to Mr. Coen until two days after the meeting.[2] It is well established that public entities must provide notice before all meetings to those who request it.[3] According to the Commission, the failure to send the meeting notice on time was the result of an employee mistakenly choosing the wrong date to send the notice in the Commission's electronic notification system. Despite there being no intent to violate the law, it is my opinion that this human error resulted in a violation of N.D.C.C. § 44-04-20 by failing to properly provide notice before the meeting of September 22, 2025.[4] In this case, Mr. Coen ultimately received the notice, and the minutes of the meeting are freely available on the Commission's website, so no further remedial actions are required.

Drew H. Wrigley
Attorney General

wdw
cc: Christopher Coen

---

[1] This Summary Opinion is issued pursuant to the authority granted to this office in N.D.C.C. § 44-04-21.1(1).
[2] Letter from Tony Grindberg, Chairman, Cass Cnty. Comm'n, to Stephen R. Hanson, Assistant Att'y Gen., Off. of Att'y Gen. (Dec. 19, 2025).
[3] N.D.C.C. § 44-04-20(5). *See, e.g.*, N.D.A.G. 2025-O-18; N.D.A.G. 2022-O-10; N.D.A.G. 2022-O-06; N.D.A.G. 2005-O-17.
[4] *Compare* N.D.A.G. 2026-O-15 (human error in forgetting to post notice of the meeting at meeting location constituted a violation of open meetings law), *with* N.D.A.G. 2025-O-26 (technology error resulting in failure to send notice constituted substantial compliance with law).