

**Andrea Sternberg - Corrected info**

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**Date:** 2/7/2005 3:48:02 PM  
**Subject:** Corrected info

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I wanted to take a quick moment to correct some information provided to the committee today. As Sen. Neuville was asking about the \$1.9 million figure quoted in our agency profile, because the chief had mentioned a figure of \$600,000, we incorrectly answered that the \$600,000 figure was for the biennium. In fact, it was for just one year. The biennial figure will be closer to \$1.2 million.

The figure will always fluctuate based on annual filings. And the annual filing deadline is April 30 of the year the taxes are payable, for property tax appeals. We anticipate the Pay Year '05 filings will be very close to the Pay Year '04 filings, but won't know until all the information is transferred from District Court. We should have all those figures sometime in June/July.

It takes awhile for us to compile the figures, since the information on filings is transferred to us and then we have to enter the data manually before we can pull the numbers. So, while we often get the info in May, it can take a couple months to enter as we continue to move existing cases forward at the same time.

Let me know if anything else needs further explanation.

Sheldyn

## Appropriation Increase Request FY 2006 – 2007

**Board's Request:** The Board requests an increase in its biennial appropriation of \$50,000, from \$504,000 to \$554,000.

**Current Appropriation Insufficient to Conduct Required Activities:** The Board's most important activity, as required by law, is to conduct a prompt and timely public disciplinary hearing when necessary. A judicial officer has the unconditional *right* to challenge any discipline the Board proposes by demanding a public hearing. *Rules of the Board on Judicial Standards (R.Bd.J.Stds.)*, Rule 6(d)(1)(ii).

### **Base Appropriation Dramatically Outpaced by Increases in Employee Benefits, Communications, Rent, and Other Costs:**

**Amount Historically Appropriated:** Traditionally, sufficient funds have been appropriated to permit the Board to place \$25,000 per year in the professional and technical services category to initiate the first steps of the hearing requirement - the investigation and factfinding process.

**Effect of Increase Costs:** Since 1998, increasing costs have totally eroded the funds dedicated to this budget category.

- Health insurance/related employee benefits - up **59%**
- Rent - up **25%**
- Computer consulting has tripled
- Communication and information processing costs - up **40%**
- The base budget has been increased only 10% in the last nine fiscal years. In a small agency, there are few options to absorb the increased costs.

### **Board Has Improved Performance Despite Significant Increases in Workload**

**Increases** in contacts with Minnesota citizens - 90% [See, Bd. Ann. Rpts for 1998- 2003]

**Increases** in contacts with Minnesota judges - 62.5% [See, Bd. Ann. Rpts for 1998- 2003]

**Reduction** in average time required to resolve a complaint - 24% (1998-2002) [See BdStat]

### **Delays Damage the Judicial System**

**The Law Requires Hearings To Be Held "Promptly":** When a hearing is demanded, the Board *must* file a Formal Complaint promptly and *must* "schedule a hearing...not later than 90 days after the filing." *R.Bd.J.Stds.*, Rule 8(b)(1).

**Lack of funding delays the process:** The investigative process and hearing cannot proceed unless and until the Board has funds to initiate the procedure. Funds are required to pay attorney's fees, investigation fees, witness fees, transcript fees and other administrative costs related to the hearing process. In the Board's last case, the lack of funds caused an 11-month delay.

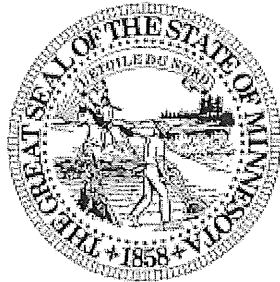
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**How Participants in the Court System Are Damaged by Delay:**

- Delays violate the law and Board's rules.
- Delays discourage public confidence in the independence and integrity of the judicial system.
- Delays increase hearing costs.
- Publicity increases the frequency of groundless challenges to rulings and judicial impartiality, increasing administrative costs.
- Delays are unfair to the complainant and the judge. As time passes, witnesses may become unavailable or memories may begin to fade.
- Judges are frequently disqualified during the pendency of public disciplinary proceedings, causing significant administrative problems and additional expenses.

# Minnesota Board on Judicial Standards

## Annual Report 2003



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STATE OF MINNESOTA  
BOARD ON JUDICIAL STANDARDS  
**2003**

**Judge Members**

Honorable James Dehn  
Judge of District Court  
Cambridge, MN

Honorable John Holahan  
Judge of District Court  
Minneapolis, MN

Honorable Gary Pagliacetti  
Judge of District Court  
Virginia, MN

Honorable Bruce Willis  
Court of Appeals  
St. Paul, MN

**Attorney Members**

Martha Holton Dimick  
Shorewood, MN

Robert M.A. Johnson  
Anoka, MN

**Public Members**

Cyndy Brucato  
Edina, MN

Jacqueline Hauser  
St. Louis Park, MN

Tracey Martin  
Brooklyn Center, MN

Elizabeth Hepola  
Hutchinson, MN

**Staff**

David S. Paull  
Executive Secretary

Deborah Flanagan  
Administrative Assistant

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## FORWARD FROM THE CHAIR

The past calendar year was especially active for the Board. There was a 24% increase in written complaints over the previous year. Despite the increase in cases, each Board member evaluated the allegations presented and reached appropriate conclusions based on the facts and the ethical rules.

As this is my last year as a Board member, I want to thank the members of the Board for their hard work and dedication. Because of their efforts, the Board's mission— the protection of the public, the enforcement of appropriate standards of judicial conduct and the maintenance of public confidence in the integrity and independence of the judiciary - has been advanced. I would also take this opportunity to commend the Board's staff for their dedication, commitment and strong work ethic.

Honorable John Holahan  
Chairperson

January, 2004

## INTRODUCTION

A society cannot function without a procedure to resolve disputes in a fair and impartial manner. The Minnesota Constitution provides for a justice system for this purpose. The preservation of the rule of law and the continued acceptance of judicial decisions depends on citizens' recognition and respect for the judiciary. The Board exists to ensure the fairness and the integrity of the judiciary in Minnesota.

The Board's responsibilities are two-fold:

- to review and investigate complaints of judges' conduct that may violate the Code of Judicial Conduct and to recommend discipline if appropriate.
- to educate the judiciary and the public on the role of the Board on Judicial Standards and on the Code of Judicial Conduct.

The Board's investigation, interpretation and disciplinary process recognizes the unique role of elected judges in our state and it conducts its proceedings to preserve the rights and dignity of the bench, bar and public.



## AUTHORIZATION

*Minn. Constitution. Art. 6, Section 9*, authorizes the legislature to “provide for the retirement, removal, or other discipline of any judge who is disabled, incompetent, or guilty of conduct prejudicial to the administration of justice.” The legislature authorized the court to discipline a judge for “incompetence in performing his duties, habitual intemperance, or conduct prejudicial to the administration of justice that brings the judicial office into disrepute.” The 1971 Legislature created the Board on Judicial Standards to assist in this task and authorized the Supreme Court to make rules to implement judicial discipline. *Minn. Statute 490.15 and 490.16 (1982)*.

## ORGANIZATION

The Board has ten members: one judge from the Court of Appeals, three trial court judges, two lawyers who have practiced law in the state for at least 10 years, and four citizens who are not judges, retired judges, or lawyers. All members are appointed by the Governor and, except for the judges, require confirmation by the Senate. Members’ terms are four years and may be extended for an additional four years.

The Board meets at least monthly and more often if necessary. The judge members are not paid but do receive expense reimbursement. Non-judge members may claim standard state per diem, as well as expense reimbursement.

The Board is supported by a two-person staff, the Executive Secretary and the Administrative Assistant. At the direction of the Board, the staff is responsible for reviewing and investigating complaints, maintaining records concerning the operation of the office, preparing the budget, administering the Board funds and making regular reports to the Board, the Supreme Court, the legislature and the public.

## CODE OF JUDICIAL CONDUCT

In addition to Minnesota Statutes, the Minnesota Supreme Court has adopted the Code of Judicial Conduct to govern judicial ethics. Intrinsic to the Code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to enhance and maintain confidence in our legal system. The Code may not be construed so as to impinge on the essential independence of judges in making judicial decisions.

The Board considers only complaints involving a judge’s professional or personal conduct. Complaints about the merits of a judge’s decision are matters for the appellate process.

## RULES AND PROCEDURES

The rules of the Board are issued by the Minnesota Supreme Court. Under its rules, the Board has the power to investigate allegations of judicial misconduct or on its own motion, to make inquiry into the conduct of a judge, as well as his or her physical or mental condition. If a complaint provides information about conduct that might constitute grounds for discipline, the Executive Secretary conducts a confidential investigation.

As amended on January 1, 1996, the rules permit the Board, upon a finding of sufficient cause, to issue a public reprimand and impose conditions on a judge's conduct or to commence a formal complaint for a public hearing. Upon finding insufficient cause to proceed further, the Board may dismiss, issue a private warning, impose conditions on the judge's conduct, or require professional counseling or treatment. A Board recommendation of censure, suspension or removal can be imposed only by the Minnesota Supreme Court.

All proceedings of the Board are confidential until a formal complaint and response have been filed with the Minnesota Supreme Court. A judge under investigation may waive personal confidentiality at any time during the proceeding.

An absolute privilege attaches to any information or related testimony submitted to the Board or its staff and no civil action against an informant, witness, or his or her counsel may be instituted or predicated on such information.

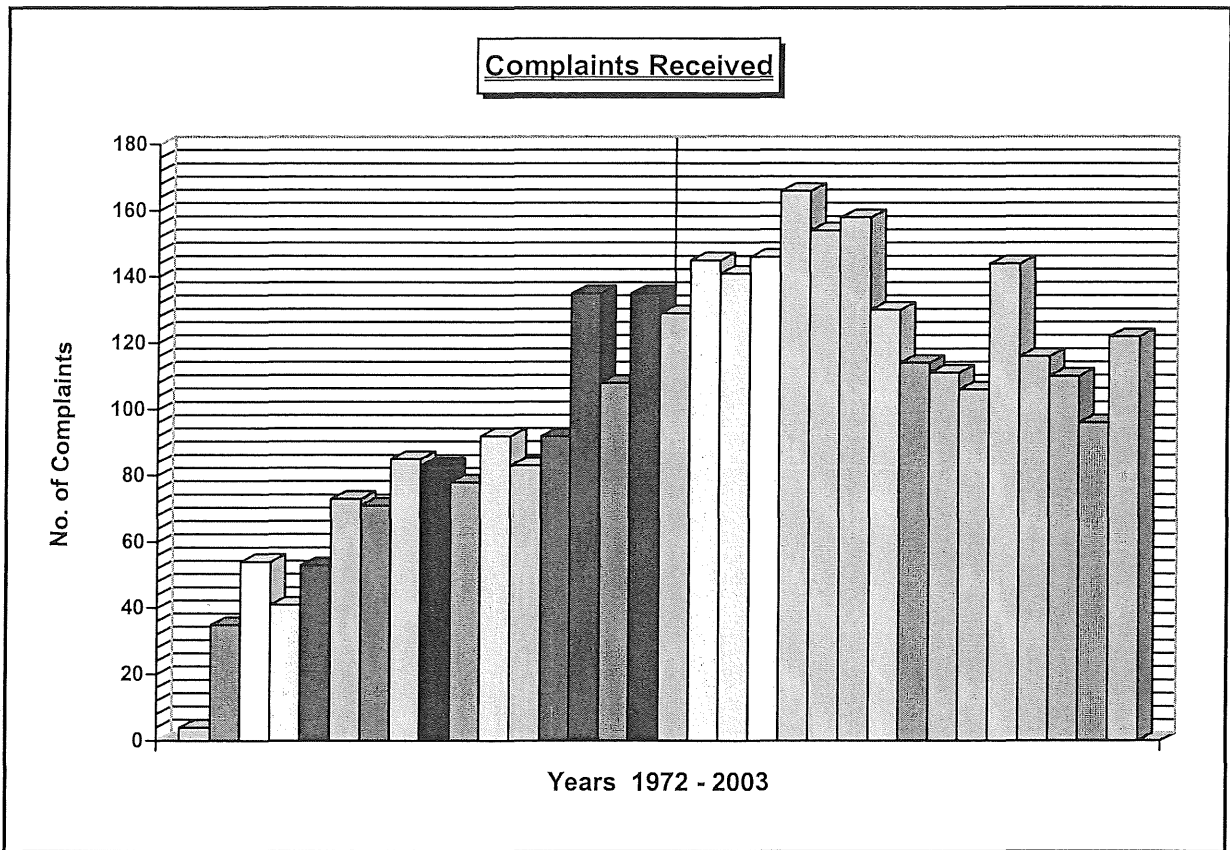
## JURISDICTION

The Board's jurisdiction extends to any person exercising judicial powers and performing judicial functions, including judges assigned to administrative duties. During 2003, this included 274 trial court judges; 23 appellate judges; 49 retired judges serving on orders from the Supreme Court, either full or part-time; 41 child support magistrates and the chief administrative law judge. The Board's jurisdiction also extends to 25 full-time referees in Hennepin and Ramsey Counties. The three judges of the Minnesota Tax Court and the five judges of the Workers' Compensation Court of Appeals also come under the authority of the Board.

The Board does not have jurisdiction over court administrators or their employees, court reporters, or probation personnel. Complaints against federal judges are filed with the Eighth Circuit Court of Appeals, as prescribed in 28 USC, Section 372(c).

## 2003 CASE DISPOSITION

During 2003, the Board received 122 written complaints. The number of complaints received annually by the Board since its creation in 1971 is set forth below:



**SOURCE OF COMPLAINTS - 2003**

Litigants	72
Inmates/Prisoners	15
Board Motion	14
Other	7
Attorneys	5
Citizens	4
Judiciary	3
Law Enforcement	1
Victim	1
<b>TOTAL</b>	<b>122</b>

**ALLEGATIONS REPORTED - 2003**

General demeanor and decorum	47
Bias, discrimination or partiality	36
Delay in handling court business	22
Conflict of interest	16
Improper decision or ruling	13
Ex parte communication	13
Improper conduct on the bench	10
Abuse of authority or prestige	8
Failure to perform duties	6
Criminal behavior	6
Failure to follow law or procedure	4
Public comment on pending case	3
Administrative irregularity	2
Practicing law; giving legal advice	2
Chemical dependency	2
Corruption; bribery	1
Health; physical or mental capacity	1
Willful misconduct	1
Reputation of judicial office	1
Attorney unethical conduct	1
Financial activities	1
Profanity or offensive language	1
Sexual misconduct	1
Incompetence as a judge	1
Improper influence	1
Other	1

**JUDGES SUBJECT OF COMPLAINTS - 2003**

District Court Judges	100
Referees/Judicial Officers	17
Judicial Candidates	0
Court of Appeals Judges	0
Child Support Magistrates	3
Retired - Active Duty	1
Justices - Supreme Court	1
Tax Court Judges	0
Workers Comp-Court of Appeals	0
Chief Administrative Law Judge	0

The Board requested 30 judges to respond in writing to the Board for explanation of their alleged misconduct. Two judges appeared before the Board to discuss or address the complaints. After initial inquiries, nine complaints required additional investigation. One case required a substantial supplemental investigation.

**DISMISSAL REASONS - 2003**

No misconduct; no violation	38
Insufficient evidence	28
Frivolous, no grounds	14
Within discretion of judge	12
Unsubstantiated after investigation	1
Legal or appellate issues	6
Corrective action by judges	1
Lack of jurisdiction	1
No issue to resolve	1

**DISPOSITIONS - 2003**

Public reprimands	2
Warnings	8
Personal appearances	2
Visit by board delegation	7
Conditions imposed	1
Other minor adjustments	1

Prior to January 1, 1996, the disposition of cases that resulted in a private reprimand remain confidential.

## SAMPLES OF CONDUCT FOUND TO BE IMPROPER

To maintain confidentiality, the Board requires the elimination of certain details of the individual cases summarized below. The purpose of these examples is to educate the public and to assist judicial officers in the avoidance of improper conduct. Rather than omit them completely, the Board believes it is better to provide these abridged versions. References are to the *Minnesota Code of Judicial Conduct*, as revised.

- Delaying decisions in submitted cases for an unreasonable time or failing to issue an order in a submitted case within the statutory 90-day period [*Canon 3A(1) and MS 546.27*]
- Ordering law enforcement personnel to alter standard arrest procedures because the person in custody is a judge or judicial officer [*Canons 1, Canon 2A, Canon 2B and 3A(5)*]
- Failing to act with courtesy, dignity and respect toward all participants in a family matter, especially those parties acting *pro se* [*Canons 1, 2 and 3A(4)*]
- Making public comments in response to questions concerning a pending case other than an official explanation of court procedures [*Canons 1, 2 and 3A(8)*]
- Failing to disqualify in a matter in which the judge's ex-spouse was a party [*Canons 1, 2A and 3D*]

Reprimands imposed by the Board after January 1, 1996, are public. In 2003, two public reprimands were issued to one judge.

### Judge Thomas Murphy

The Minnesota Board on Judicial Standards (Board) has issued two public reprimands to First Judicial District Judge Thomas M. Murphy. The first reprimand was administered to Judge Murphy for admitting to driving an automobile while under the influence of alcohol on December 23, 2002. The second reprimand was issued after the Board determined there was sufficient cause to conclude that Judge Murphy initially refused to submit to the standard booking procedure in Dakota County in connection with the driving charge, in violation of Minnesota law. The Board concluded that these actions were contrary to the *Minnesota Code on Judicial Conduct*, *Canons 1, 2A and 2B*, as well as the *Rules of the Board on Judicial Standards*, ("*R.Bd.Jud.Std.*"), *Rules 4(a)(5) and (6)*, as set forth below:

**Canon 1**  
***A Judge Should Uphold the Integrity and  
Independence of the Judiciary***

*An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining and enforcing standards of conduct, and personally observe those standards in order to preserve the integrity and independence of the judiciary. The provisions of this Code should be construed and applied to further that objective.*

**Canon 2**  
***A Judge Shall Avoid Impropriety and the Appearance of  
Impropriety in All of the Judge's Activities***

- A. *A judge shall respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.*
- B. *A judge shall not allow family, social, political or other relationships to influence judicial conduct or judgment. A judge shall not lend the prestige of the office to advance the private interests of the judge or others; nor shall a judge convey or permit other to convey the impression that they are in a special position to influence the judge.*

**Rule 4, Rules of the Board on Judicial Standards**  
***Grounds for Discipline***

*(a) Grounds for Discipline Shall Include:*

- (5) Conduct prejudicial to the administration of justice that brings the judicial office into disrepute. . .*
- (6) Conduct that constitutes a violation of the Code of Judicial Conduct or Professional Responsibility.*

March 18, 2003

**Judge Harvey C. Ginsberg**

The Board initiated public disciplinary proceedings concerning Judge Harvey Ginsberg. A Formal Complaint was filed with the Minnesota Supreme Court alleging Judge Ginsberg's failure to conduct court hearings with appropriate decorum and dignity, ruling in the absence of all parties, retaliation, giving an inappropriate order to a criminal defendant and pleading guilty to the charge of criminal assault. A public hearing is scheduled for January 16, 2004 before a factfinding panel appointed by the Minnesota Supreme Court.

### JUDGE'S INQUIRIES

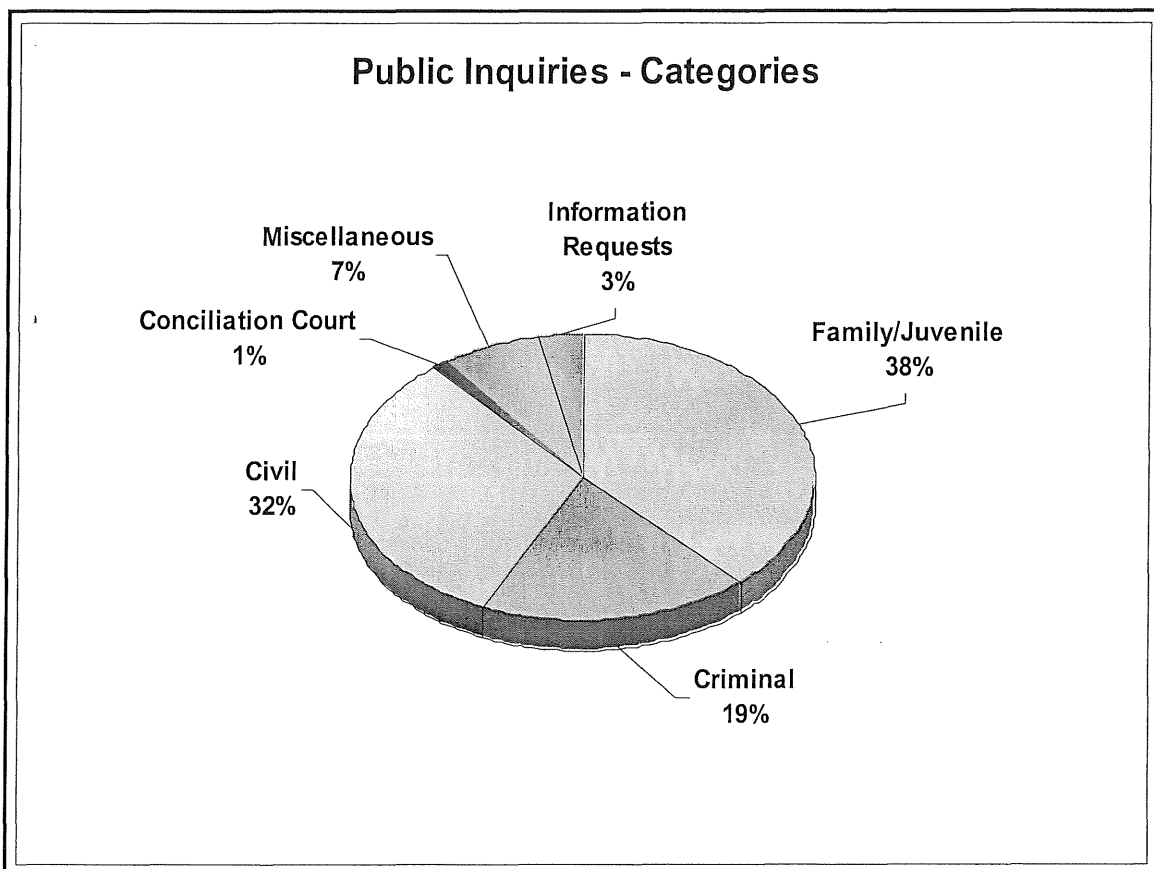
The Board encourages judges who have ethical questions to seek its guidance. The Board will issue a formal advisory opinion to any judge. In 2003, the Board issued eight informal opinions.

Judges regularly contact the Board's staff for information and material on various questions involving the Code of Judicial Conduct. During 2003, there were 186 judge inquiries to the staff.

### PUBLIC INQUIRIES

The staff often receives complaints that concern persons over whom the Board has no jurisdiction or that do not allege judicial misconduct.

Staff maintains a daily telephone log of callers who complain about judges or request information. In 2003, the staff responded to 1,088 such calls. The calls are generally from parties involved in a court proceeding and are coded by category; a tabulation of the categories is set out below.





## **2003 ADVISORY OPINIONS**

Each year, the Board issues advisory opinions applying the *Code of Judicial Conduct* to various specific questions submitted by judges. A synopsis of each advisory opinion issued by the Board in 2003 is provided below. References are to the rules of ethics contained in the *Code of Judicial Conduct*, as revised.

- It is appropriate for a judge to attend a public event honoring the retirement of an elected public official, so long as (1) no political activities are anticipated, (2) the judge has not been asked to speak or call special attention to his or her attendance, (3) the event is not organized for the purpose of raising campaign funds and (4) the event is not election related. [*Canons 1, 2, 4A, 4C and 5*]
- It is inappropriate for a judge to engage in fundraising efforts directed to any private person or entity, including in-kind contributions, even if a governmental agency or quasi-governmental agency might eventually benefit. [*Canons 1, 2A, 2B and 4C(3)(b)*]
- It is appropriate for a judge to assist in the drafting and preparation of a non-governmental grant application submitted for the purpose of funding a court dedicated to a special purpose so long as (1) the application is not signed by the judge, (2) the judge does not personally solicit funds or in-kind contributions, (3) the judge is not advised as to the specific results of the solicitation/application process, (4) the judge makes every effort to assure that the person or entity solicited is not aware of the judge's participation in the process and (5) the person or entity solicited is advised that no judge will know whether or not the person or entity was solicited or actually made a contribution. [*Canons 1, 2, 2B, 4A and 4C(3)(b)*]
- It is inappropriate for a judge to sign a letter or endorse a grant application that could advance the commercial or other interest of any person or organization, no matter how worthy the cause or how closely related to the law, the legal system or the demonstration of justice. However, it is appropriate for a judge to prepare and sign a grant application seeking funds from a governmental entity in the regular course of official judicial duties. [*Canon 1, 2A, 2B, 4A, 4C(3)(b)*]
- It is appropriate for a judge to serve on the "advisory board" of a community corrections program organized pursuant to *M.S. 241.31*, so long as (1) the judge signs no fund raising or similar requests on behalf of the board, (2) the judge does not personally solicit funds or in-kind contributions for the board, (3) the judge is not advised as to the specific results of any solicitation for funds, (4) the judge makes every effort to insure that any person or entity solicited for funds is advised that no judge will know whether or not the person or entity was solicited or actually made a contribution and (5) the board is not independently engaged in litigation. [*Canons 1, 2, 2B, 4A and 4C(3)(b)*]

- It is inappropriate for a judge to permit the taking of photographs in the courtroom, including areas immediately adjacent thereto, during sessions of court or recess between sessions unless the photographs will be exhibited only for instructional purposes by educational institutions. [*Canon 3A(10)*]
- Based solely on personal knowledge of pertinent skills and abilities, it is appropriate for a judge to furnish a letter of support for a person seeking (1) employment, (2) admission to an education institute, (3) admission to a bar or (4) appointment to the bench or similar office. [*Canon 2B*]
- It is inappropriate for a judge to raise non-governmental funds for court related projects or activities [*Canon 4C(3)(b)*]

# Minnesota Board of Peace Officer Standards and Training (POST)

## Brief Agency Overview

The POST Board was created by the legislature in 1977 to establish statewide licensing standards. The Board's responsibilities include setting minimum education and selection standards, enforcing standards of conduct, assisting local agencies with their training costs, monitoring peace officer licenses and overseeing the mandated policies and procedures of law enforcement agencies.

The Board is funded by a special revenue account from a surcharge collected on criminal and traffic offenses. The surcharge generates over \$18 million annually. Minn. Stats. 357.021, Subd. 7, directs 39% of the surcharge proceeds to POST and 60% to the general fund; however in FY04 and FY05, the Board was allocated 22%, or just under \$4 million while the general fund was credited 77%, or approximately \$14 million. POST received a slightly higher allocation of the surcharge in the previous biennium.

## Impact of the Governor's Recommendations for 2006/2007

1. Increased reimbursements to local units of government for continuing education of peace officers.

**Result** – training reimbursement will be increased from \$358 to \$455 per-officer as a result of an additional fee to reinstate driver's licenses in non-DWI related instances.

**History** – fifteen years ago, the per-officer share was \$477 and has annually decreased while the training costs have continued to rise. Typical training costs per-officer range from \$1900 to \$2500 per year.

**Impact** – local law enforcement agencies across the state will continue to be reimbursed for one-fourth to one-third of the actual cost of training for their peace officers.

2. No increase to general operating budget.

**Result** – staff reduction of one person in FY 06 and one in FY 07 in order to offset inflationary increases in compensation and operating expenses.

**History** – in 2001, POST had 14.5 positions. Due to budget cuts, one person was laid off and another position was not filled. Those job duties were reallocated among the remaining 13 staff members. Since 2001, the Board has not received a small agency adjustment while fixed operating costs such as rent, utilities and attorney general's fees have continued to escalate.

**Impact** – higher operating costs will be absorbed by further staff reductions, but the Board had hoped to provide greater service to the law enforcement community. Increased services could include:

- A technology upgrade to process licenses, applications and fees on-line – currently it is all done through paper copies. An on-line system would be more efficient for current and future peace officers;
- Increased on-site compliance reviews of law enforcement agencies to guarantee compliance with statutes and administrative rules.
- More visits to the 21 colleges and universities that offer the Professional Peace Officer Education programs to ensure they meet the learning objectives as set by the legislature and the Board;
- Shorter times to process complaints against peace officers;
- Licensing exams offered more frequently; or
- Higher number of Board and committee meetings per year (reduced from six to four in 2003).

## Minnesota Law Enforcement Statistics

### Municipal Police Departments: 380

<u>Number of Officers</u>	<u>Number of Agencies</u>
1	38
2 – 7	135
8 – 25	156
26 – 50	35
51 – 100	11
Over 100	5

### Sheriffs' Offices: 87

<u>Number of Officers</u>	<u>Number of Agencies</u>
5 – 7	8
8 – 25	48
26 – 50	20
51 – 100	5
Over 100	6

### State Agencies: 6

<u>Agency</u>	<u>Number of Officers</u>
Commerce, Fraud Unit	now hiring
Corrections, Fugitive Unit	7
Alcohol & Gambling, DPS	12
Bureau Criminal Apprehension	62
Dept of Natural Resources	178
State Patrol	581

### Non-municipal Police Departments: 9

<u>Agency</u>	<u>Number of Officers</u>
Anoka Parks	1
Univ of MN – Morris	3
Univ of MN – Duluth	8
Three Rivers Park	16
Minneapolis Park	48
Univ of MN - Twin Cities	82
State Fair	55
Metro Airports Comm	114
Metro Transit	141

### Tribal Police Departments: 6

<u>Agency</u>	<u>Number of Officers</u>
Prairie Island	3
Lower Sioux	5
Fond du Lac	12
Leech Lake	18
White Earth	17
Mille Lacs	23

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### Total Agencies: 488

<u>Number of Officers</u>	<u>Percentage of Agencies</u>
1	8.0%
7 or fewer	39.0%
10 or fewer	50.5%
Over 100	2.5%

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### Total Licensed Officers:

Active Peace Officers	9,485
Active Part-time Officers	316
Inactive Peace Officers	1,128
Inactive Part-time Officers	112

### Officer Education Level:

High School	6%
Associate Degree	58%
Bachelor's Degree	33%
Graduate Degree	3%

- 60% of officers are employed in the 9-county metro area; 40% in Greater Minnesota.
- Since 1990, 102 agencies have disbanded, consolidated, or contracted with sheriff.

**Work of Department is funded by request for '06 – '07 -0.4 decrease**

- 43.7 FTES
- 6.98 Mil General Fund
- 80K Monies awarded to the department through settlements of litigated cases
- 60K From fees charged for issuance of certificates of compliance
- 23K From private grants (note: CTEP grant MDHR is partner only. St. Paul Neighborhood Network is funding agent)

**Special note regarding technology**

The Department has planned strategically to re-invest savings from labor efficiencies into technology for:

1. Internet based complaint filings (currently most forms are down loadable)
2. Voice over internet protocol for communications (within the last 14 months have re-invested savings in a telecommunications system that has provided us with basic technology from which to move to VOIP).
3. Savings from efficiencies also used for data base upgrades for both case processing and contractor compliance.
4. We also plan to utilize imaging technology (as well as internet) to reduce our dependency on paper and eventually document storage costs.

## Program and Budget Overview

**Agency:** Minnesota Department of Human Rights

**Committee Hearing:** Public Safety Budget Division

**Date:** February 9, 2005

**Mission:** To make Minnesota discrimination free.

### Three Primary Functions:

- Case Processing – investigation, mediation, conciliation, litigation
- Contract Compliance – EEO plan review, certificates of compliance, compliance reviews
- Education – HR Day Conference, website, “Educate-to-Eliminate”

### Operational Statistics:

- 1,300 charges processed each year
- 776 compliance certificates issued each year
- EEOC Work-share Agreement - \$711,000

### Notable Accomplishments:

- Re-codification of the Minnesota Human Rights Act
- Reduced case determination time from 365+ days to 328 days with no backlog
- Increased cases referred to mediation from 24% to 81%
- Record-setting HR day conference attendance in '03 and '04
- Requested and received foundation grant for “Education-to-Eliminate”
- Requested and received CTEP grant for website translation
- Reached approximately 1.3 million people through forums, training, articles and appearances
- Recovered approximately \$5 million for charging parties

### Goals:

- Continue outstanding performance as noted above
- Focus improvement efforts on contractor compliance programs
- Complete the cleanup of the Human Rights Act re-codification
- Deliver a human rights message to the other 3.2 million people

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2. Voice over internet protocol for communications (within the last 14 months have re-invested savings in a telecommunications system that has provided us with basic technology from which to move to VOIP).
3. Savings from efficiencies also used for data base upgrades for both case processing and contractor compliance.
4. We also plan to utilize imaging technology (as well as internet) to reduce our dependency on paper and eventually document storage costs.





# STATE OF MINNESOTA

BOARD OF PRIVATE DETECTIVE AND PROTECTIVE AGENT SERVICES  
1430 Maryland Avenue East • St. Paul, MN 55106

February 9, 2005

Senator Thomas Neuville  
Minnesota State Senate  
123 State Office Building  
100 Rev Dr Martin Luther King Jr Drive  
St. Paul, MN 55155-1206

Dear Senator Neuville:

This week the Private Detective and Protective Agent Services Board appeared before the Senate Public Safety Budget Division Committee to present its 2006-07 Biennial Budget.

During the course of that presentation you had inquired as to the fees that are charged by our agency. As indicated there are a variety of charges for licensing and processes, and I would like to provide that information to you for your review.

**New License Fees:**

**Private Detective**

Individual	\$1,000.00
Partnership	\$1,700.00
Corporation	\$1,900.00

**Protective Agent**

Individual	\$ 800.00
Partnership	\$1,600.00
Corporation	\$1,800.00

**License Reissuance  
Fees (every 2 yrs):**

**Private Detective**

0 Employees	\$ 540.00
1 to 10 Employees	\$ 710.00
11 to 25 Employees	\$ 880.00
26 to 50 Employees	\$1,050.00
51 or more employees	\$1,220.00

**Protective Agent**

0 Employees	\$ 480.00
1 to 10 Employees	\$ 650.00
11 to 25 Employees	\$ 820.00
26 to 50 Employees	\$ 990.00
51 or more employees	\$1,160.00

Senator Thomas Neuville

February 9, 2005

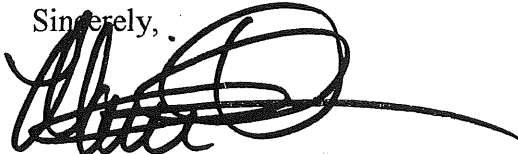
-2-

**Other Fees:**

Change in License Status	One-half original license fee (as noted above).
Change in qualifying personnel	One-half original license fee (as noted above).
Change in Address or Business Name additions	\$25.00
Application Packet	\$25.00

I hope this information is of assistance. Please do not hesitate to call on me should you have further questions, 651/793-2666.

Sincerely,



Marie Ohman  
Executive Director

cc: Committee Members Public Safety Budget Division ✓

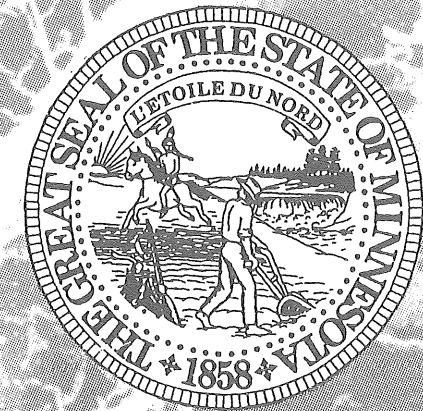
TTY 651/282-6555

It is the policy of the Minnesota Board on Judicial Standards to comply with the provisions of the Americans with Disabilities Act (ADA) and ensure that individuals with disabilities have equal access to our services.

The office is accessible to all visitors. Handicap parking is available near the door of the building. All of our services are provided verbally on the phone or in writing. If you have a hearing disability, you can communicate with us by TDD using the State Relay service, call toll-free 1-800-627-3529.

If you require special accommodations, please make an appointment two weeks in advance letting us know of your needs, so we can have your information ready and make any necessary arrangements. For example, we can contract with a sign language interpreter or a foreign language interpreter. We can provide written information in different forms or larger type, and staff is available to read documents.

# MINNESOTA BOARD ON JUDICIAL STANDARDS



2025 Centre Pointe Blvd.  
Suite 420  
Mendota Heights, MN 55120  
651-296-3999  
[www.bjs.state.mn.us](http://www.bjs.state.mn.us)

## **WHAT IS THE BOARD ON JUDICIAL STANDARDS?**

The Board on Judicial Standards is an independent state agency that receives and acts on complaints about Minnesota judges for judicial misconduct or wrongdoing. The board also handles judicial disability matters.

## **WHO MAY FILE A COMPLAINT WITH THE BOARD ON JUDICIAL STANDARDS?**

Any individual or group may file a complaint. The board has received complaints from litigants, attorneys, jurors, court-watchers, court personnel, prisoners, court administrators, judges...anyone who has knowledge of possible judicial misconduct or wrongdoing.

## **HOW DO I FILE A COMPLAINT?**

Your complaint should be made in writing. Simply write a letter specifically describing the judge's conduct. Be sure to include the name of the judge, relevant dates, names of witnesses, and sources of information. You may wish to attach copies (do not send originals) of court documents or transcripts if these support your allegations against the judge.

If you have questions concerning the filing of a complaint, call the board's office at (651) 296-3999.

## **I'M UNHAPPY WITH THE OUTCOME OF MY CASE. CAN THE BOARD HELP ME?**

No, the board does not have the authority to direct a judge to take legal action, or to review a case for judicial error, mistake or other legal grounds. These functions are for the state's appellate courts.

Allegations stemming from a judge's rulings or exercise of discretion do not provide a basis for board action, and personal dissatisfaction alone cannot be grounds for judicial investigation.

If you need advice or assistance regarding what to do next about your case, you should talk to a lawyer. If you seek to change the outcome of the case, **DISCUSS THIS WITH A LAWYER WITHOUT DELAY.**

For a summary of some types of judicial conduct that may warrant investigation, see "Judicial Misconduct."

The board does not have jurisdiction over federal judges or lawyers. Complaints against lawyers should be directed to the Lawyers Professional Responsibility Board, (651) 296-3952.

Complaints against Minnesota administrative law judges should be directed to the Administrative Hearings Office, (612) 341-7600.

## **WHAT CAN THE BOARD ON JUDICIAL STANDARDS DO?**

The board can investigate and take disciplinary action, or, in the most serious cases, recommend to the Supreme Court that it impose discipline.

In order of increasing severity, the board may issue letters of warning or public reprimand. In more serious cases, after a public hearing and recommendation from the board, the Supreme Court may impose public censure, removal or involuntary retirement.

## **ARE COMPLAINTS TREATED CONFIDEN- TIALY?**

All proceedings of the board are confidential until a formal statement of complaint and response has been filed with the Minnesota Supreme Court. A judge under investigation may waive confidentiality. During the course of the investigation of a complaint, a complainant's identity will probably come to the attention of the judge unless the board considers that the allegations do not fall within the board's jurisdiction. And, if the matter is sufficiently serious to warrant a hearing, a complainant may be called to testify at that hearing.

An absolute privilege attaches to any information or related testimony submitted to the board or its staff, and no civil action against informants, witnesses, or their counsel may be initiated or maintained on such information.

## **HOW WILL THE BOARD HANDLE MY COMPLAINT?**

Your complaint is carefully reviewed by the board's legal staff and acted on by the board. Complaints that include supportable allegations of misconduct within the board's jurisdiction will be handled as promptly as circumstances permit. The board may dismiss a complaint, conduct a staff inquiry or order a public hearing. A public hearing may result in a recommendation of discipline to the Supreme Court.

Your complaint is acknowledged by letter. You will receive notification of the action taken.

## **ABOUT THE BOARD**

The Board on Judicial Standards is a state agency. Since its inception, the Supreme Court has removed, involuntarily retired, and censured several judges based on the board's recommendation. Many more have been privately disciplined by the board.

The vast majority of Minnesota judges are honest, conscientious, and courteous to those appearing before them. However, an effective method of imposing sanctions on judges who engage in misconduct or wrongdoing is essential to the functioning of our judicial system. The board strives to maintain public confidence in the judiciary and to promote greater awareness of proper judicial behavior; board proceedings provide a fair and appropriate mechanism to preserve the integrity of the judicial process.

The board has ten members: one judge of the Court of Appeals, three trial judges, two lawyers who have practiced law in the state for at least ten years, and four citizens who are not judges, retired judges, or lawyers. All members are appointed by the Governor with the advice and consent of the Senate. Members' terms are for four years and may be extended for an additional four years.

The board is supported by a two-person staff, who, at the direction of the board, are responsible for reviewing and investigating the complaints, maintaining records and preparing regular reports.

## THE FOLLOWING ARE SOME TYPES OF JUDICIAL MISCONDUCT THAT MAY LEAD TO DISCIPLINE:

### IMPROPER COURTROOM DECORUM

- Rude, abusive, and otherwise improper treatment of parties, counsel, witnesses, jurors, court staff and others.
- Failing or refusal to promptly dispose of judicial business.
- Improper conduct while on the bench, such as sleeping or intoxication.
- Expressions of bias based on gender, ethnicity, etc.

### IMPROPER INFLUENCE

- Allowing family, social, or political relationships to influence judicial decision-making.
- Conflicts of interest.
- Giving or receiving gifts, bribes, loans, or favors.

### OTHER IMPROPER OR ILLEGAL ACTIVITIES, INCLUDING OFF-BENCH CONDUCT

- Communicating improperly with only one side to a proceeding.
- Chemical abuse.
- Engaging in improper election campaign activities.
- Misappropriating or misusing public property, funds, or resources.
- Criminal behavior.

## FREQUENTLY ASKED QUESTIONS:

1. Will my identity be revealed to the judge?  
Generally, yes. The board notifies judges about complaints unless there is an overriding reason to withhold this information.
2. Will my complaint be made public?  
Usually, no, although a complaint may become public if the board issues a public reprimand or files formal charges against the judge.
3. Will filing a complaint with the board change the decision in my lawsuit?  
No. Board proceedings have no effect on decisions or appeals.
4. Will my complaint automatically disqualify the judge from further involvement in my case?  
No. The board will only review your complaint to determine whether or not misconduct has occurred. Disqualification is determined in court proceedings by a judge.
5. Does the board act on all complaints?  
Yes. Every complaint is reviewed by the staff and the board.
6. If my complaint is justified, will the board tell me how the judge was disciplined?  
Yes. At the close of the case, you will receive a letter describing the action taken.