

ETHICS COMMITTEE

MINUTES

Representative Sondra Erickson, Chair of the Ethics Committee, called the fourth meeting to order at 7:38PM on Monday, April 7, 2003, in Room 10 of the State Office Building.

The Clerk noted the roll.

Members present:

ERICKSON, Sondra, Chair
PUGH, Tom, Vice Chair
DAVIDS, Greg
MURPHY, Mary
MAHONEY, Tim (Alternate)
RHODES, Jim (Alternate)

A quorum was present.

Rep. Davids moved the minutes: March 31, 2003. **THE MINUTES WERE APPROVED.**

Rep. Erickson introduced the committee and staff and gave an explanation of the Committee's rules of procedure. She explained the format of the hearing approved unanimously by the Committee and the allocation of time increments for presentations, rebuttals, and summaries by the Complainants and by the Respondent.

General comments were offered by Rep. Pugh, Rep. Mahoney, and Rep. Entenza.

Beginning at 7:45p.m. – Rep. Ellison presented information on the complaint that was filed by the following House Members: Keith Ellison; Matt Entenza; Karen Clark; Ron Latz; Margaret Anderson-Kelliher; Neva Walker; Frank Hornstein; Lyndon Carlson; against Rep. Arlon Lindner in order to establish probable cause. (Refer to exhibit packet and formal complaint document).

Rep. Latz 7:56PM presented supporting material to their case and referred to the packet of materials submitted by the Complainants through the DFL caucus the previous week, and introduced witnesses. Display boards containing various comments published in the media were shown.

Testifying in support of the filed complaint:

Hinda Keibor, Minnesota resident and a survivor of the Holocaust
Reverend Gallmon, President of Minneapolis NAACP

Rep. Latz stated that the Complainants seek censure of Rep. Lindner and his removal as chair of his standing committee. He closed the initial presentation.

Presentation and Testimony by and for the Complainants concluded at 8:15PM.

Beginning at 8:20 p.m. – Mr. James Anderson, attorney representing Rep. Lindner, asked questions of Rep. Latz, Rep. Ellison, Rep. Entenza, and Hinda Keibor.

Questions by the Respondent concluded at 8:25PM.

Committee members asked questions of the Complainants.

Questions by the Committee concluded at 8:42PM.

Beginning at 8:44PM – Rep. Lindner, District 32A, the Respondent, presented information in response to the filed complaint.

Mr. James Anderson, attorney representing Rep. Lindner, presented distributed written materials to supplement the Respondent's remarks.

Testifying in support of the Respondent:

Karen Anderson, secretary employed by the Respondent's attorney

Mr. James Anderson commented about correspondence from his office and the reference therein to Neva Walker, State Representative and complainant in this case. Rep. Walker replied to the explanation.

Mr. James Anderson presented display boards regarding actions of earlier Ethics Committee actions and he presented a video tape of House Floor remarks that are noted in the written materials.

Presentation and Testimony by and for the Respondent concluded at 9:14PM.

Committee members asked questions of Mr. Anderson, and Rep. Lindner.

Rep. Rhodes suggested that the Committee should obtain a videotape of the entire portion of the House Floor session that included Rep. Linder's remarks. Committee Administrator Tremere said that could be done in about one week. Rep. Rhodes also inquired about the term, "censure," as it is used in House Rules and by the Ethics Committee. House Researcher and Committee Counsel Deborah McKnight explained the use and meaning of the term.

Questions by the Committee concluded at 9:29PM.

Beginning at 9:30PM – Rep. Ellison, Rep. Latz and Rep. Entenza presented closing remarks for the Complainants. Some of the display boards shown earlier were presented. Rep. Ellison reiterated that the Complainants sought action by the Committee that would lead to discipline consisting of censure. He requested that the Committee formally disapprove of Rep. Lindner's remarks cited in the formal complaint, find probable cause, and make a recommendation for disciplinary action so the matter could be referred to the House Floor.

Rep. Latz reviewed the materials and information presented by and for the Complainants.

Rep. Entenza offered remarks and played a video tape of an earlier House Floor session including a speech by then Minority Leader Steve Sviggum regarding another Ethics Complaint case wherein the then Ethics Committee had referred the matter to the House. The speech included the minority leader's advice to Members regarding appropriate discipline.

Closing remarks by and for the Complainants concluded at 9:43p.m.

Beginning at 9:45p.m. - Mr. James Anderson, attorney for the Respondent, presented closing remarks. He played an audiotape of a recent radio program, which included Rep. Ellison, a complaint in this case, who offered comments about matters in the Complaint filed against Rep. Lindner. Rep. Entenza, Complainant objected to the presentation of "new evidence." The Chair allowed the presentation. Mr. James Anderson presented a written transcript of the portion of the radio program he had played on tape, and he stated he had the entire program on tape.

Closing remarks by and for the Respondent concluded at 9:51p.m.

Rep. Pugh requested that the Chair recess the meeting and that the Committee take up deliberation of probable cause at a later date. He noted the hour, the amount of written materials submitted, and the audio and visual materials presented.

Rep. Rhodes and Rep. Davids concurred. Rep. Rhodes suggested that the full committee should review the matter once members had an opportunity to review all the materials. Rep. Mahoney requested staff to obtain copies of the various tapes that were presented.

Chair Erickson stated that the next meeting time will be at the Call of the Chair, and may depend upon the duration of the regular House Session. The time and place of the next meeting will be publicly announced.

The meeting was recessed at 9:53PM.

The meeting was reconvened on April 24, 2003 at 8:07AM.

Rep. Erickson reminded the committee of the role of the Committee. She said the Committee should decide whether to continue, for purposes of determining probable cause, in public session or in executive session.

Rep. Pugh requested that the Committee discuss the complaint in public.

Chair Erickson determined that there was no objection and stated the Committee would proceed in public session.

Rep. Murphy requested that staff explain Rules 6 and 7 of the Committee Rules of Procedure.

House Researcher and Committee Counsel Deborah McKnight gave an overview of the rules which cover finding of probable cause and dismissal of complaints (particularly if the Committee fails to find probable cause).

The Committee deliberated whether to find probable cause in the case of the complaint against Rep. Arlon Lindner.

Rep. Pugh, Rep. Rhodes, Rep. Davids, Rep. Murphy, Chair Erickson, and Rep. Mahoney offered comments and conclusions based upon their review of the proceedings and the evidence submitted by both the Complainants and the Respondent.

Chair Erickson asked for a review of the Committee Rules of Procedure regarding the finding of probable cause. Ms. McKnight explained the possible decisions the Committee could make.

Rep. Davids moved that the Committee find there is probable cause to support the Complaint filed against Rep. Arlon Lindner.

Rep. Pugh asked whether the Chair should vote, based upon concerns expressed by the Complainants that the Chair had co-authored legislation with the Respondent. The Chair stated the matter before the Committee was not about legislation and that she had announced previously that there was no need for her to recuse herself.

Rep. Davids renewed his motion that the Committee find there is probable cause to support the Complaint filed against Rep. Arlon Lindner.

Rep. Davids requested a roll call vote.

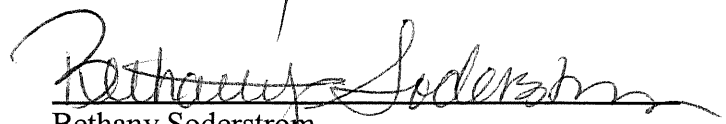
See attached vote record.

There being two AYES and two NAYS, THE MOTION DID NOT PREVAIL

Pursuant to Rule Number 7 of the Committee Rules of Procedure, the complaint against Rep. Arlon Lindner was dismissed.

Meeting was adjourned 9:15a.m.


REP. SONDRA ERICKSON, CHAIR


Bethany Soderstrom
Committee Legislative Assistant