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Senate

State of Minnesota

May 5, 2004

Senator Mee Moua
Member of the Subcommittee on Ethical Conduct
235 State Capitol
75 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

Dear Senator Moua:

Enclosed please find a copy of a complaint against Senator Michael Jungbauer for improper conduct. Please note that under Rule 55.4 we must hold a hearing on this complaint within thirty days of receiving it.

Sincerely,

JIM METZEN
Chair, Subcommittee on Ethical Conduct



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President of the Senate – Committees: Commerce and Utilities Committee – State Government Budget
Division - Capital Investment – Rules and Administration Committee – **Boards/Commissions:**
Legislative Coordinating Commission – LCC Salary & Budget Review Subcommittee –
Legislative Audit Commission

JOHN C. HOTTINGER

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Senate

State of Minnesota

IN RE Complaint Under Rule 55.3 Against Senator Michael Jungbauer For Improper Conduct

**TO; Senator James Metzen
Chair, Senate Subcommittee on Ethical Conduct**

Dear Senator Metzen,

Pursuant to Rules 55.3 and 56.3, I respectfully submit to you, as Chair of the Senate Subcommittee on Ethical Conduct, and to the other members of the Senate Subcommittee on Ethical Conduct, the following Complaint of improper conduct relating to Senator Michael Jungbauer for the Subcommittee's consideration and determination.

Factual Background

1. On March 12, 2004, **Aaron Hall** registered a principal campaign committee with the Campaign Finance and Public Disclosure Board for State Senate for Senate District 51 as a Republican. (See Exhibit A attached.)
2. Prior to March 30, 2004, **Aaron Hall** received permission from Speaker of the House **Steven Sviggum** to use Room 181 of the State Office Building on April 7, 2004, from 9:30 a.m. to 10:30 a.m.. (See Exhibit B attached.)
3. As of April 5, 2004, **Jeffrey Davis** had registered a principal campaign committee with the Campaign Finance and Public Disclosure Board for State Senate for Senate District 50 as a Republican. (See Exhibit C attached.)



4. On April 6, 2004, **Sen. Michael Jungbauer** used the Senate e-mail system to promote the press conference being held in Room 181 of the State Office Building on April 7, 2004, at 9:30 a.m. This press conference was the purpose for which **Aaron Hall** reserved the room and was organized by **Jeffrey Davis**. (See Exhibit D attached.)
5. The e-mail from **Sen. Michael Jungbauer** specifically noted that the press conference would include an effort to obtain financial support for defeating DFL Senators who vote against the proposed constitutional amendment to define marriage.
6. At the press conference on April 7, 2004, **Jeffrey Davis** and his organization, Minnesota Citizens in Defense of Marriage, circulated petitions soliciting donations for the campaign committees of up to 35 Senate candidates who will run in opposition to DFL Senators in 2006. This was the program reference in **Senator Jungbauer's** e-mail of April 6. These solicitations ranged from requesting \$175 per donor to \$8,750 per donor. (See Exhibit E attached.)
7. **Minnesota Citizens in Defense of Marriage** is registered with the Campaign Finance and Public Disclosure Board as a political committee under the provisions of Mn. Statutes 10A.11, Registration Number 60039. The chairperson of that committee is **Jeffrey Davis**. (See Exhibit F attached.)

From the facts stated, it appears that Sen. Michael Jungbauer committed the following instances of:

Improper Conduct

1. On the face of the e-mail from **Sen. Jungbauer** it is apparent that he knew at the time he used State Senate equipment that he was soliciting financial and political support for Republican Senate candidates and a registered political committee. This action is in violation of Senate policy as outlined in the **Minnesota Senate Policies for Senators and Staff manual**.
2. **Sen. Jungbauer** has used Senate equipment to solicit campaign donations for candidates. It is clear from reading his e-mail that

this was the intent and purpose of the press conference he referred to in his e-mail. His actions are violation of the Senate's Code of Conduct.

3. **Sen. Jungbauer's** actions violated the **Minnesota Senate Policies on Conduct and Ethics policy 1.45 Campaign Activity Policy**. This provision prohibits the solicitation of contributions to a political committee or political fund by an employee or member. It is also a violation of this provision to assist in preparing a written campaign plan for a candidate. This was one of the purposes for the press conference **Sen. Jungbauer** was directing supporters to. It is also a violation of this provision to use Senate equipment or supplies for campaign activity which **Sen. Jungbauer** did by using the State Office Building and Senate computer system to solicit political funds.
4. While it appears that **Speaker Sviggum** may have also violated similar restrictions, those actions are not within the jurisdiction of the Senate subcommittee.
5. **Sen. Jungbauers's** actions violated the **Minnesota Senate Policies on Conduct and Ethics policy 1.50 Communications Equipment Policy** which clearly states that "Senate communications equipment is for the purposes of the Senate and the Legislature. It may not be used for any commercial purpose or for any political campaign." Solicitation of campaign donations is a violation of the policy.
6. **Sen. Jungbauers's** actions violated the **Minnesota Senate Policies on Conduct and Ethics policy 1.60 Senate Information System User Policy, 1.5 Not for Commercial or Campaign Use**. This provision states in part that "They (computer equipment) may not be used for any commercial purpose nor for any political campaign." Solicitation of campaign donations is a violation of the policy.
7. Each of these actions, individually and cumulatively are improper conduct pursuant to each of the provisions of Senate Rule 56.3.

Requested Actions

As a result of the demonstrated violations of Senate policies and the improper conduct noted, I would request the following actions be taken by the Subcommittee:

1. Investigate the actions taken by **Sen. Jungbauer** and take appropriate action.
2. Obtain the e-mail list distributed by Sen. Jungbauer to determine if any violations of Chapters 10A or 211B were committed by making these solicitations.
3. Forward the result of your determinations to the Minnesota Campaign Finance and Public Disclosure Board and the Ramsey County Attorney for appropriate action, if warranted.
4. Take such further action as deemed warranted in the circumstances.

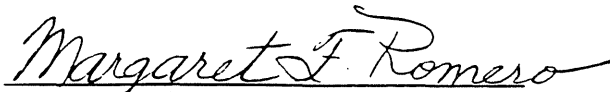
Respectfully submitted,


Sen. John Hottinger

State of Minnesota

County of Ramsey

This instrument was sworn to and acknowledged before me on May 5, 2004 by John Hottinger.


A Notary Public

