

Rules and Administration - Subcommittee on Ethical Conduct

Meeting Minutes – March 24, 2006 8:30a.m.

Present : Senator Dennis Frederickson Senator Thomas Neville
 Senator Wesley Skoglund Senator James Metzen

Senator Metzen called the meeting to order at 8:41a.m.

Senator Metzen briefed the committee on the procedures for this meeting and swore in the witnesses.

Senator Robling made her opening statement

Senator McGinn made his opening statement

Senator Neville discussed the probable cause issues before the committee.

Motion:

Senator Neville moved that the committee go into executive session for the purpose of determining probable cause.

Motion prevailed

Senator Metzen decided the Subcommittee would recess for five minutes to clear the room.

The Subcommittee reconvened in executive session

Ellen Sampson, Attorney for Senator Johnson, explained why there is no probable cause and the case should be dismissed.

Senator McGinn and Senator Robling explained why probable cause does exist in the complaint.

The subcommittee discussed with the help of Senate counsel, Peter Wattson, the subpoena power of this subcommittee and the role of the Judiciary in these proceedings.

The subcommittee and witnesses discussed the matter of probable cause based on the freedom of speech argument.

Ellen Sampson requested a five minute recess to confer with her client.

Senator Metzen granted this request. The Subcommittee was in recess at 9:40a.m.

The executive session reconvened at 9:48a.m.

Ellen Sampson offered a proposal that Senator Johnson would agree to concede probable cause if the after an apology to the senate the cases would be dismissed.

The subcommittee and witnesses discussed the merits of this proposal and composition of an acceptable resolution.

Senator Skoglund requested a brief recess.

Senator Metzen granted this request. The Subcommittee was in recess at 9:56a.m.

The executive session reconvened at 10:23a.m.

The subcommittee discussed a formal resolution which was drafted by senate counsel in accordance with the subcommittee's suggests as to a possible resolution to this complaint.

Motion:

Senator Neuville moved the adoption of the document "A resolution relating to ethical conduct; conduct of Senator Dean Elton Johnson."

A roll call was taken.

Motion prevailed.

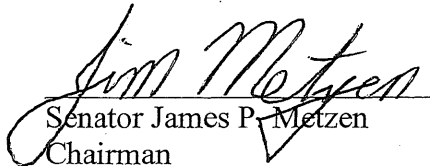
Senator Metzen adjourned the executive session at 10:47a.m.

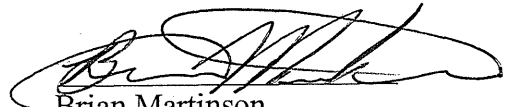
The subcommittee on Ethical Conduct reconvened at 10:54a.m.

Senator Metzen explained the resolution reached by the Subcommittee inn agreement with the complainants and defendant.

Senator Frederickson elaborated on the resolution to this complaint.

The meeting was adjourned at 11:00a.m. The proceedings were taped and a transcript of these proceedings and the materials distributed are attached to these minutes.


Senator James P. Metzen
Chairman


Brian Martinson
Legislative Assistant

Subcommittee on Ethical Conduct

Order of Business

March 24, 2006

1. Call to order
2. Procedural background
 - a. Complaint filed March 22, 2006
 - b. Subcommittee on Committees appointed Senator Skoglund to replace Senator Moua
 - c. Senate Counsel consulted with both parties about the proceedings
 - i. Obtained consent to proceed at this time
 - ii. Right to appear with counsel
 - iii. Right to present witnesses
 - iv. Right to question witnesses from other side
3. Explanation of plan for today
4. Presentation by complainants (each testifier sworn in)
 - a. Senator McGinn
 - i. Questions from the subcommittee
 - ii. Cross examination by Senator Johnson or his counsel
 - b. Senator Robling
 - i. Questions from the subcommittee
 - ii. Cross examination by Senator Johnson or his counsel
 - c. Other complainants (none scheduled)
 - d. Witnesses for complainants (none scheduled)
5. Presentation by respondent (each testifier sworn in)
 - a. Senator Johnson, D.E. - represented by Ellen G. Sampson, Esq.
 - i. Questions from the subcommittee
 - ii. Cross examination by Senator McGinn or his counsel
 - b. Witnesses for respondent (none scheduled)
6. Presentation of evidence by the subcommittee (none scheduled)
7. Rebuttal evidence by complainant
8. Rebuttal evidence by respondent
9. Deliberation by the subcommittee
 - a. What happened?
 - i. Facts not in dispute
 - ii. Facts in dispute
 - (1) Discussion of differences
 - (2) Subcommittee findings on matters in dispute
 - b. What rule, policy, or standard applies to these facts?
 - i. "accepted norms of Senate behavior"
 - ii. "betrays the public trust"
 - iii. "tends to bring the Senate into dishonor or disrepute"
 - c. Did the conduct violate it?
 - i. If no, dismiss the complaint
 - ii. If yes, consider appropriate disciplinary action
 - d. What discipline, if any, is appropriate in this case?