

Chair Fischbach and members of the subcommittee,

Thank you for your prompt attention to this very serious matter and the opportunity for me to testify regarding the recent complaint I submitted pertaining to our colleague Senator Geoff Michel. It is my hope that a fair and comprehensive hearing on the facts of the case will bring about a resolution to this issue.

To begin, it is important to point out Senate DFL Leader Tom Bakk has repeatedly encouraged current Majority Leader David Senjem to restore the public's trust in our institution due to events surrounding the resignation of Senator Koch as the leader of the Senate. No resolution has occurred from these attempts, and since the legislative session is tentatively scheduled to adjourn in just over a month, this avenue is the sole means to address the matter.

I intend to verify Senator Michel violated Senate Permanent Rule 56 by providing multiple misleading and false public statements regarding when he became aware of an inappropriate relationship between former Senate Majority Leader and a subordinate staff member.

Senate Permanent Rule 56.1 states "Members shall adhere to the highest standard of ethical conduct as embodied in the Minnesota Constitution, state law, and these rules." Subsequently, 56.3 states "Improper conduct includes conduct that violates a rule or administrative policy of the Senate, that violates accepted norms of Senate behavior, that betrays the public trust, or that tends to bring the Senate into dishonor or disrepute."

On December 16 of 2011, Senator Michel held a press conference with Senators Senjem, Gerlach, and Hann to provide a public explanation for why Senator Koch had resigned her post as Majority Leader the day prior on December 15. Three of these senators, with the exception of Senator Senjem, along with Senator Robling, in their own admission, confronted Senator Koch regarding an inappropriate relationship between her and a senate staff member. This meeting took place on Wednesday December 14.

In the December 16 press conference, Sen. Michel repeatedly stated that his knowledge of this inappropriate relationship occurred weeks ago. Senator Michel states, "I've said weeks, that's certainly true from my, my personal knowledge"

and answers affirmatively when questioned if he learned about the affair about two weeks ago. He further suggests he confronted Sen. Koch with “all deliberate speed” to resolve the alleged inappropriate relationship.

These statements were contradicted in a public interview just five days later. Former chief of staff Cullen Sheehan stated in this interview, “three months ago, I became aware of a potential relationship between Senator Koch and a staffer.” Sheehan first learned of this relationship on September 21 and confirmed it with Senator Koch and the staffer. He also stated that he met with Deputy Majority Leader Geoff Michel the next day, on September 22.

Senator Michel confirmed this timeline in the same publication and the fact that it contradicted his public statements from December 16. Michel stated, “I felt at that time that if I said two months or whatever that exact number is, that that would have very obviously pointed out who the whistleblower was.”

Senator Michel is on record providing misleading and false statements on the pretense of protecting whistleblowers. However, he was under no compulsion to provide any information regarding a timeline of his knowledge of the alleged relationship, but instead Senator Michel decided to provide inaccurate information to the public.

Further, Sen. Michel indicated there were multiple whistleblowers and since corroborating Mr. Sheehan’s story on December 21, no additional whistleblowers have been publicly disclosed—nor should they be—as Mr. Sheehan came forward of his own volition.

The dissemination of misleading and false statements is not ethically justified due to the existence of whistleblowers and no exception to this matter is provided in Senate Rules. Anonymity is maintained by providing no information that might compromise whistleblowers, not inaccurate information as Senator Michel supplied to the public.

Secondly, as the Assistant Majority Leader, Senator Michel had an obligation as a leader of the Senate to swiftly address the alleged inappropriate relationship to maintain a safe working environment for Senate staff. He stated himself, “That kind of relationship is inappropriate, it raises a conflict of interest, and it creates

what we've talked about as an unstable, unsustainable work environment for our staff."

Since Senator Koch was implicated in the relationship, it was the responsibility of Senator Michel to ensure the situation was resolved in a timely manner. And while Senator Michel has stated that he spoke to senate human resources, it remains unclear who he spoke to in the Secretary of the Senate's office, whether he followed-up with the office in the ensuing 11 weeks before public disclosure, and why the unstable workplace environment was not resolved with "all deliberate speed."

The false and misleading statements provided by Senator Michel constitute a breach of the public's trust, and are unbecoming of a Minnesota senator. They tarnish the reputation of the body and bring into question its credibility, as well the individual senator's trustworthiness. It is improper conduct that violates the Senate's accepted norms of behavior and thus violates Senate Permanent Rule 56. Additionally, Senate Republican Caucus Spokesperson Steve Sviggum publicly stated the handling of the alleged affair between the months of September and December was a "cover-up." If this is the case, it is the responsibility of the subcommittee to find the truth.

Finally, I request that this committee—after confirming these facts and the violation of Senate Rules—require Senator Michel to fully address the circumstances surrounding his statements and compel Sen. Michel to publicly apologize on the Senate Floor for his actions. Thank you.