



Senate

State of Minnesota

March 19, 2012

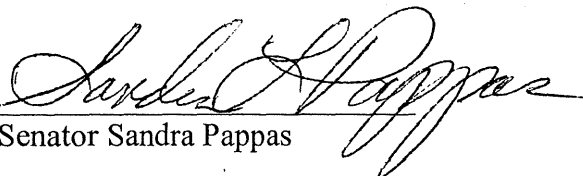
Senator Michelle Fischbach, Chair
Senate Rules Subcommittee on Ethical Conduct
226 State Capitol Building
75 Reverend Martin Luther King Jr. Blvd.
St. Paul, MN. 55155

Dear Madam Chair,

Attached to this letter is a complaint regarding the conduct of Senator Geoff Michel. This complaint is prepared pursuant to the provisions of Senate Permanent Rule 55. By the delivery of this letter and attached complaint, it is hereby filed pursuant to Rule 55. I ask for the Subcommittee on Ethical Conduct to investigate these matters and take action in accordance with this Rule.

I look forward to the Subcommittee acting on this complaint.

Sincerely,


Senator Sandra Pappas



**COMPLAINT
TO THE
SUBCOMMITTEE ON ETHICAL CONDUCT
REGARDING THE ACTIONS
OF
SENATOR GEOFF MICHEL**

Senator Sandra Pappas being first duly sworn, states and alleges under oath the following based upon information and belief:

1. On December 16, 2011, then Interim Senate Majority Leader Geoff Michel, along with Senator David Senjem, Senator David Hann, and Senator Chris Gerlach, made a public statement at a press conference in room 123 of the Minnesota State Capitol building.

2. At this press conference, Senator Michel spoke about the events leading up to the resignation of Senator Amy Koch as Majority Leader of the Minnesota Senate. Senator Koch had resigned her position as Senate Majority Leader in a public letter on December 15, 2011.

3. At this press conference, Senator Michel stated the following:

“over the course of the last several weeks, members of the senate staff, current senate staff members, brought forward to at least two of us here at the table, some serious allegations of an inappropriate relationship between the Majority Leader and a senate staffer.”

4. Later in the press conference, various reporters sought clarification of how and when Senator Michel became aware of an alleged inappropriate relationship between the Senate Majority Leader and subordinate senate employee, including the following separate exchanges:

(a) *Reporter*: “Did each of the five of you receive complaints [from senate employees] or was it just one of you, and you brought in the others? How did that work?”

Sen. Michel: “More than one of us and more than one complaint, again, not trying to dance around that Don, but we want to be sensitive to those employees who came forward.”

(b) *Reporter*: “So you folks did not know about this relationship before the staff came to you?”

Sen. Michel: “Correct.”

(c) *Reporter*: “And the first complaint was about two weeks ago?”

Sen. Michel: “Yes. The days are starting to meld into each other here, Rachel.”

(d) *Reporter*: "You said that you had been hearing about this for some weeks, why did it take you that long if this possibly has legal ramifications?"

Sen. Michel: "I think it's, it's depending on the member. I've said weeks, that's certainly true from my, my personal knowledge as, as people approached me, and I was doing some, again, some immediate checking with, on the human resources, and the legal issues of this, and then reached out to some of my colleagues here on the leadership team."

5. In an interview with Minnesota Public Radio that was broadcast on December 21, 2011, former Senate Republican Caucus chief of staff, Cullen Sheehan, stated the following:

"Three months ago, I became aware of a potential relationship between Sen. Koch and a staff person."

6. Mr. Sheehan's comments continued:

"I then spoke to the staff person and he confirmed the relationship. We both then met with Sen. Koch and she confirmed the relationship. The next day I met with Sen. Koch to discuss the situation. I subsequently met with the Deputy Majority Leader."

7. The December 21 Minnesota Public Radio report stated, "Sheehan is also the first person to report an inappropriate relationship between Koch and a male staffer. He said he first learned of the relationship on Sept. 21."

8. The December 21 Minnesota Public Radio report also stated, "Michel said he contacted senate human resources officers and lawyers on Sept. 23 to start investigating Koch's behavior."

9. In a radio interview with Ron Rosenbaum that was broadcast on December 31, 2011, Senator Michel asserted when he first became aware of an alleged inappropriate relationship between the Senate Majority Leader and a subordinate senate employee, saying:

"I can share with you that, I guess the first conversations that I had about this date back to the end of September, and that's when our chief of staff came to me with news or revelations that were stunning and hard for me to believe, difficult for me to believe, and something I didn't want to believe, but also recognized the significance of it and the need to act."

10. Later in the December 31 Ron Rosenbaum interview, Senator Michel summarized what Mr. Sheehan told him in September, 2011, as follows:

Rosenbaum: "It's no secret that the person that brought that to you was Cullen Sheehan who was I think at the time the chief of staff for Amy Koch. Can you tell us exactly what it is that Sheehan told you that was so troubling to you?"

Sen. Michel: "Well, that basically what we had was an inappropriate relationship between a manager and an employee. That this was about a conflict of interest, and that this was creating a workplace environment, for staff and members, that could not stand. This was not a way to run the Senate, this was not a way to manage the institution. So that is what he shared with me. And then, subsequently, as time went on, we learned about this from other sources, from other staff, bringing kind of a similar, confirming story to it all."

11. Senator Michel also stated in the December 31 Ron Rosenbaum interview what actions he took after being made aware of an alleged inappropriate relationship between the Senate Majority Leader and a subordinate senate employee, saying:

"I spoke to, literally within—maybe hours, for sure the next day—I spoke to people, staff within Secretary Ludeman's office, and also sought some outside legal and H.R. help."

12. In the December 31 Ron Rosenbaum interview, Senator Michel responded to questions relating to his actions after being made aware of an alleged inappropriate relationship between the Senate Majority Leader and a subordinate senate employee, in the following separate exchanges:

(a) *Rosenbaum:* "When Cullen Sheehan told you this, he also told you, I believe that he had confronted Senator Koch and the staffer about this, and they had admitted it. Am I accurate about that?"

Sen. Michel: "That's a fair summary, Ron, and I would go on to include that my hope would have been that they would have—being on notice—that the Majority Leader would have done the right thing back in October."

(b) *Rosenbaum*: "There's two choices, one of which, you were hoping this thing would end on its own, or you were waiting for the kind of legal and professional advice that you had been seeking. Which one of those two—assuming those are the two choices—would it have been?"

Sen. Michel: "Well actually those are all true. We were gathering the legal and H.R. knowledge that we needed. And we were also trying to put together a group of members, knowing the staff conversation with the Majority Leader had not seemed to result in any change, we wanted to put together a group that could have that conversation again, member to member."

13. On January 18, 2012, MinnPost published an interview with Senate Republican Caucus spokesperson, Steve Sviggum, which included the following passage:

"'It was the cover-up part that was the problem,' he [Sviggum] said, referring to Senate leadership's admission that they had changed their story of when they learned about Koch's personal relationship with a subordinate staff member. 'Especially Republicans, it's pretty tough not to live those values. Better walk your talk.'"

14. During Senator Koch's tenure as Senate Majority Leader, Senator Michel served as Deputy Majority Leader, which includes a supervisory responsibility over senate employees.

15. Upon being made aware of an alleged inappropriate relationship between the Senate Majority Leader and a subordinate senate employee in September, 2011, Senator Michel had an obligation as Deputy Majority Leader to take appropriate action to fully and swiftly address the matter.

①6. Senator Michel brought the Minnesota Senate into dishonor and disrepute by failing to take appropriate action to fully and swiftly address the alleged inappropriate relationship between the Senate Majority Leader and a subordinate senate employee until its public disclosure was imminent.

①7. As Deputy Majority Leader, Senator Michel violated the accepted norm of senate behavior by failing to act swiftly to restore a safe working environment for senate employees after being made aware that the Senate Majority Leader was implicated in an inappropriate relationship with a subordinate senate employee.

①8. Senator Michel betrayed the public's trust by making false and clearly misleading public statements regarding when he became aware of an alleged inappropriate relationship between the Senate Majority Leader and a subordinate senate employee, which he corrected only after being confronted with a contradictory statement by another party.

19. Senate Permanent Rule 56.1 states that "Members shall adhere to the highest standard of ethical conduct as embodied in the Minnesota Constitution, state law, and these rules."

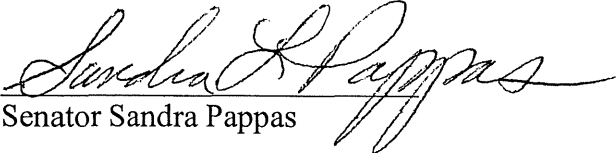
20. Senate Permanent Rules 56.3 provides the standard that "Improper conduct includes conduct that violates a rule or administrative policy of the Senate, that violates accepted norms of Senate behavior, that betrays the public trust, or that tends to bring the Senate into dishonor or disrepute."

21. It is your complainant's belief that Senator Geoff Michel violated Senate Permanent Rule 56.

22. Your complainant asks that the Subcommittee on Ethical Conduct investigate the details of this matter. Your complainant respectfully requests that all hearings on this matter be open to the public.

23. Your complainant asks that the Subcommittee on Ethical Conduct find that Senator Geoff Michel violated Senate Permanent Rule 56 and that it recommends such disciplinary action as the Subcommittee finds appropriate.

Date: March 19, 2012


Senator Sandra Pappas

Subscribed to, and sworn before me, a notary public, on March 19, 2012.

