Rules and Administration Subcommittee on Ethical Conduct
Tuesday, April 17, 2012
10:00 AM, Room 107, Capitol

Minutes

Present: Senator Michelle L. Fischbach, Chair, Senator John M. Harrington, Senator Bill Ingebrigtsen, Senator Kathy Sheran

Absent: No Members Absent

Senator Michelle L. Fischbach called the meeting to order at 10:06 AM

Continuation of the Probable Cause Hearing

Senator Fischbach reviewed the previous ethics hearing on Friday, March 23, 2012.

Senator Fischbach discussed the possible pending litigation and provided the option to subcommittee members to bring Ms. Dayle Nolan to the subcommittee for further information.

Senator Fischbach allowed Parties to provide recommendations.

Senator Pappas requested a letter of apology to be read on the Senate Floor by Senator Michel
Senator Fischbach allowed Senator Ingebrigtsen to question Senator Pappas but reminded members that the subcommittee should not be searching for further testimony.
Senators Sheran and Harrington questioned Senator Pappas
Senator Sheran offered that Senator Pappas speak with Senator Michel about reaching an appropriate resolutions.
Senator Pappas concluded that it was inappropriate to speak with Senator Michel after a complaint had been filed with the Ethics subcommittee.

Senator Michel recommended that the subcommittee revise and update all Human Resource rules and procedures regarding "appropriate relationships".
Senator Fischbach allowed questions from the subcommittee.

Senator Fischbach allowed the subcommittee the opportunity to discuss further action.

Senator Harrington moves to investigate probable cause within a date certain no later than 15 days.
Mr. Bottern, Senate Counsel, provided advice.

Mr. Mayer, Senator Michel's counsel, questioned the actions that are allowed in Senate rule 55.

The subcommittee discusses the option of proceeding in an executive session.

Senator Harrington renewed his motion
MOTION FAILED

Senator Sheran discussed a conflict of interest regarding how she is allowed to operate on the subcommittee, primarily regarding the "execution of senatorial duties".

Senator Ingebrigtsen moved to defer further action until possible legal proceedings have been resolved.

Senator Sheran calls the question.
MOTION PREVAILED

Senator Ingebrigtsen renewed his motion
MOTION FAILED

Senator Fischbach asked for further recommendations

Mr. Mayer, Senator Michel's counsel, asked if Senator Pappas is able to withdraw her written complaint.

Tom Bottern provided advice on the use of executive session and possible legal proceedings.

Senator Sheran moved that the subcommittee recess until 7 PM or 30 minutes after Session ajourns.
MOTION PREVAILED

Subcommittee Recessed at 12:25 PM

Senator Fischbach reconvened the subcommittee at 7:08 PM.

Senator Fischbach recessed the subcommittee until 8:00 PM

Senator Fischbach reconvened at 8:14 PM

Senator Fischbach reviewed the previous deadlock and opened up the subcommittee for further discussion.

Senator Harrington proposed viewing the tapes from the press conference held by Senator Michel.

Mr. Mayer, Senator Michel's counsel, questioned Senator Pappas' Minnesota Public Radio transcript.

Senator Fischbach allowed discussion on whether the subcommittee can find probable cause.

Senator Ingebrigtsen moved the subcommittee adjourn.
Senator Fischbach explained what adjournment would mean.
Senator Sheran wanted to express that by adjourning we are not finding no probable cause.

Senator Ingebrigtsen renews his motion.
MOTION FAILS

Members discussed what the result would be in reconvening at a later date.
Senator Pappas reiterated her request for a letter of apology from Senator Michel and her willingness to review the letter prior to its public release.
Senator Michel stated that he did not request this type of forum.

Senator Sheran moves to adjourn to the call of the chair.
MOTION PREVAILED

The meeting was adjourned at 9:57 PM

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Senator Michelle L. Fischbach, Chair   Emily Boyer, Leadership Assistant