

MINNESOTA SENATE
SUBCOMMITTEE ON ETHICAL CONDUCT

CONDUCT OF SENATOR KEVIN M. CHANDLER

REPORT

TO THE

COMMITTEE ON RULES AND ADMINISTRATION

January 16, 1996

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EMBER REICHGOTT JUNGE
ASSISTANT MAJORITY LEADER

Senator 46th District
Room 205 State Capitol
75 Constitution Avenue
St. Paul, MN 55155-1606
Phone: 296-2889
and
7701 48th Avenue North
New Hope, Minnesota 55428



Senate

State of Minnesota

January 11, 1996

Senator Roger D. Moe, Chair
Committee on Rules and Administration
Room 208 Capitol
St. Paul, MN 55155

Subj: Conduct of Senator Kevin M. Chandler

Dear Senator Moe:

The Subcommittee on Ethical Conduct has completed its consideration of this matter and forwards to the Committee on Rules and Administration the enclosed resolution, which the Subcommittee recommends to pass.

The Subcommittee held its first meeting January 3, 1996, at which it afforded the parties an opportunity to present any evidence they might have relevant to the complaint. Senator Chandler declined the Subcommittee's invitation to appear and submitted his written apology to the Senate. Senator Neuville asked a number of questions concerning the written record, but did not submit any oral testimony.

Before its second meeting, January 9, 1996, the Subcommittee provided Senator Chandler and Senator Neuville draft findings of fact. Senator Chandler again declined the invitation to appear. At the meeting, Senator Neuville accepted the draft findings and submitted his proposals on sanctions.

After due deliberation, the Subcommittee adopted the resolution by a unanimous vote of all four members.

The Subcommittee wishes to express its appreciation for the assistance provided by its outside counsel, former chief justices of the Minnesota Supreme Court Douglas K. Amdahl and Robert J. Sheran.

Sincerely,

Ember Reichgott Junge, Chair
Subcommittee on Ethical Conduct

Dennis R. Frederickson
Steven G. Novak
Roy W. Terwilliger

COMMITTEES: Vice Chair, Ethics & Campaign Reform • Vice Chair, Rules & Administration •
Taxes & Tax Laws • Education • Education Funding Division • Judiciary • Chair, Special Subcommittee
on Ethical Conduct • Legislative Audit Commission • Legislative Commission on Planning & Fiscal Policy •
Legislative Coordinating Commission

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A Senate resolution relating to ethical conduct; conduct of Senator Kevin M. Chandler.

WHEREAS, the Subcommittee on Ethical Conduct of the Committee on Rules and Administration, based on clear and convincing evidence, has made the following findings:

- (1) Kevin M. Chandler was first elected to the Minnesota Senate in 1992, representing District 55.
- (2) On the night of July 26, 1995, during the interim between the 1995 and 1996 sessions of the Legislature, Senator Chandler became involved in an argument with his estranged wife in the parking lot of O'Gara's Bar, 164 North Snelling Avenue, St. Paul, shortly after 11 p.m..
- (3) During the course of the argument, Senator Chandler slapped his wife in the face with his open hand.
- (4) On August 8, 1995, Senator Chandler requested that he be charged with assault in the fifth degree.
- (5) On August 11, 1995, before the Honorable Kathleen Gearin, Judge of Ramsey County District Court, Senator Chandler pleaded guilty to a violation of Minn. Stat. § 609.224, assault in the fifth degree, a misdemeanor.
- (6) On September 21, 1995, Judge Gearin, acting under Minn. Stat. § 609.135, stayed imposition of sentence for one year, during which time Senator Chandler will be on probation on the following conditions:
 - a. That he pay court costs in the amount of \$210.
 - b. That he follow all the recommendations of a probation officer.
 - c. That he remain law-abiding.
- (7) On October 3, 1995, Senator Chandler resigned his positions as Vice-Chair of the Committee on Environment and Natural Resources, Chair of the Environmental Protection Subcommittee of the Committee on Environment and Natural Resources, Chair of the Employment Subcommittee of the Committee on Jobs, Energy and Community Development, and his position as Majority Whip.
- (8) Senator Chandler has complied with all conditions imposed by the court, including a six-week domestic abuse education program.
- (9) On December 27, 1995, Senator Chandler announced that he would not be a candidate for reelection in 1996.
- (10) On January 3, 1996, Senator Chandler submitted to the Chair of the Subcommittee his written apology to the Senate.

NOW, THEREFORE,
BE IT RESOLVED, by the Senate of the State of Minnesota:

- (1) That the conduct of Senator Kevin M. Chandler in slapping his wife was criminal.
- (2) That Senator Kevin M. Chandler's decision voluntarily to resign his leadership positions in the Senate was an appropriate disciplinary action.
- (3) That Senator Kevin M. Chandler be required to apologize to the Senate in open session.

**ROGER D. MOE
MAJORITY LEADER**

Senator 2nd District
Route #3, Box 86A
Erskine, Minnesota 56535
Phone: (218) 574-2216

Room 208, State Capitol
75 Constitution Avenue
St. Paul, MN 55155-1606
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Senate

State of Minnesota

December 12, 1995

Senator Ember Reichgott Junge, Chair
Subcommittee on Ethical Conduct
205 Capitol
St. Paul, MN 55155

Subj: Discipline of Senator Kevin Chandler

Dear Senator Reichgott Junge:

Last July, Senator Kevin Chandler pleaded guilty in Ramsey County District Court to fifth degree assault, a misdemeanor, for slapping his wife. He paid a fine of \$210, plus court costs, completed a six-week education program, and was placed on one-year probation.

As a result of that conviction, on October 3, 1995, Senator Chandler resigned his positions as Vice-Chair of the Committee on Environment and Natural Resources, Chair of the Environmental Protection Subcommittee of the Committee on Environment and Natural Resources, Chair of the Employment Subcommittee of the Committee on Jobs, Energy and Community Development, and his position as a Majority Whip.

Senate Rule 75 authorizes your Subcommittee to "serve in an advisory capacity to a member or employee upon written request and . . . issue recommendations to the member or employee."

As Chair of the Committee on Rules and Administration, I request that the Subcommittee on Ethical Conduct determine what disciplinary action, if any, is appropriate for the Senate to take against Senator Chandler, considering the crime of which he has been convicted, the punishment imposed by the District Court, and the action he has already taken to resign his leadership positions.

Sincerely,

A handwritten signature in black ink that reads "Roger D. Moe". The signature is written in a cursive style.

Roger D. Moe
Senate Majority Leader

cc: Senator Kevin Chandler

Senate Counsel & Research

G-17 STATE CAPITOL
ST. PAUL, MN 55155
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JO ANNE ZOFF SELLNER
DIRECTOR

Senate
State of Minnesota

December 21, 1995

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DANIEL P. MCGOWAN
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GEORGE M. MCCORMICK
HANS I. E. BJORNSON
KATHERINE T. CAVANOR
CHRISTOPHER B. STANG
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MELISSA JOHNSON
TOMAS L. STAFFORD
JOAN E. WHITE

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MARK L. FERMANICH
RANDAL S. HOVE
GREGORY C. KNOPFF
PATRICK J. MCCORMACK
DANIEL L. MUELLER
JACK PAULSON
CHRIS L. TURNER
AMY M. VENNEWITZ
MAJA WEIDMANN

To: Senator Ember Reichgott Junge
Senator Dennis R. Frederickson
Senator Steven G. Novak
Senator Roy W. Terwilliger
Judge Douglas K. Amdahl
Judge Robert J. Sheran

From: Peter S. Watson, Senate Counsel *PSW*
296-3812

Subj: Complaint Against Senator Chandler

Enclosed is a complaint filed by Senators Dean Elton Johnson and Thomas M. Neuville against Senator Chandler relating to the incident on which Senator Moe has already asked the Subcommittee for advice.

PSW:mjr
Enclosure

cc: Senator Kevin M. Chandler



Senate

State of Minnesota

Senator Ember Reichgott Junge, Chair
Senate Special Subcommittee on Ethical Conduct
205 State Capitol
St. Paul, MN 55155

STATE OF MINNESOTA
COUNTY OF RAMSEY

FORMAL COMPLAINT TO THE
ETHICS SUBCOMMITTEE OF THE
SENATE RULES COMMITTEE

Affiants Senators Dean Elton Johnson and Thomas M. Neuville, each first being duly sworn under oath, state and allege on information and belief as follows:

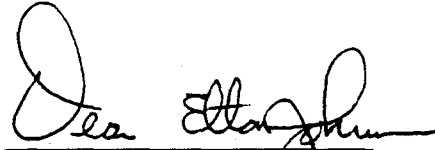
1. Affiant Dean Elton Johnson is a duly elected member of the Minnesota State Senate from District 15.
2. Affiant Thomas M. Neuville is a duly elected member of the Minnesota State Senate from District 25.
3. State Senator Kevin Chandler was observed in a heated discussion with his then-estranged wife, Kathleen Chandler, in the parking lot of O'Gara's Bar and Grill, St. Paul, at about 11 p.m. on the night of July 26, 1995.
4. Chandler has admitted to striking his wife in the head as she held their three-year-old daughter in her arms.
5. According to the police report, Kathleen Chandler had blood on the edges of her mouth from these blows.
6. Kevin Chandler has pled guilty to a charge of fifth degree assault, a misdemeanor.
7. As such, it is your affiants' belief that Senator Chandler has breached his ethical duty to the Minnesota State Senate and the people of Minnesota by committing a violent crime, thereby violating accepted norms of Senate behavior, betraying the public trust, and bringing the Senate into dishonor or disrepute.



8. Affiants hereby formally complain of the conduct of Senator Kevin Chandler in this matter and respectfully request the Minnesota State Senate Special Subcommittee on Ethical Conduct to investigate this matter pursuant to Rule 75 of the Permanent Rules of the Minnesota State Senate and to recommend to the Senate appropriate discipline and sanctions.

Further your affiants sayeth not.

Date: December 20, 1995



Senator Dean Elton Johnson



Senator Thomas M. Neville

Subscribed and sworn to by Senator Dean Elton Johnson and Senator Thomas M. Neville this 20th day of December, 1995, before Gen Olson, Senator, 34th District, Minnesota, ex officio notary public. My term expires January 1, 1997.



Ex officio Notary Public

1 STATE OF MINNESOTA DISTRICT COURT
2 COUNTY OF RAMSEY SECOND JUDICIAL DISTRICT
3 -----
4 STATE OF MINNESOTA,
5 Plaintiff, MISDEMEANOR GUILTY PLEA
6 vs. File No. T5-95-38291
7 KEVIN MAURICE CHANDLER,
8 Defendant.
9 -----

10 The above-entitled matter came on for
11 hearing before the Honorable Kathleen Gearin,
12 Judge of the District Court, 131A Ramsey
13 County Courthouse, St. Paul, Minnesota,
14 on the 11th day of August, 1995.

15 APPEARANCES:

16 Virginia Palmer, Assistant St. Paul City
17 Attorney, appeared on behalf of the plaintiff,
18 the State of Minnesota.

19 Mark Gehan, Attorney at Law, appeared on
20 behalf of the defendant, who was also present
21 in court.

22 * * *

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P R O C E E D I N G S

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THE CLERK: Page 24, line 3, Kevin Maurice Chandler.

MR. GEHAN: Good afternoon, Your Honor.

THE COURT: Good afternoon, Mr. Gehan.

MR. GEHAN: Mr. Chandler is present before the Court.

THE COURT: Okay. Ms. Palmer, assistant city attorney, is here representing the State of Minnesota. The matter is here on charges of assault in the fifth degree, disorderly conduct, two charges of disorderly conduct. At this point, I guess the formal complaint has been issued also. Mr. Gehan, what is your client going to do?

MR. GEHAN: Mr. Chandler is going to enter a plea of guilty to the assault in the fifth degree. It is my understanding at the time of sentencing the city will dismiss the DOC charges.

MS. PALMER: That is correct, Your Honor.

THE COURT: Mr. Chandler, have you had enough time to discuss this with your attorney?

THE DEFENDANT: Yes, Your Honor.

1 THE COURT: And have you also had a
2 chance to go over with him the formal
3 complaint and what your rights are?

4 THE DEFENDANT: I have, Your Honor.

5 THE COURT: Mr. Chandler, is it your
6 intent today to enter a plea of guilty to the
7 charge of assault in the fifth degree? That
8 is actually the correct legal title for it,
9 assault in the fifth degree. In parenthesis
10 they say, "domestic assault".

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Okay. Mr. Gehan, do you
13 want to offer the petition?

14 MR. GEHAN: We don't have a petition,
15 Your Honor. Would the Court prefer one?

16 THE COURT: Well, I think we have to
17 because it is an enhancible offense.

18 MR. GEHAN: Right.

19 THE COURT: I am going to have you just
20 go through a petition briefly. As soon as you
21 get it done, you can bring it back up and then
22 we will take the rest of the plea.

23 MR. GEHAN: All right, Your Honor.

24 (Discussion off the record.)

25 THE COURT: Make sure you go through

1 your petition.

2 MR. GEHAN: I'm sorry about that,
3 Your Honor.

4 THE COURT: That's all right.

5 (Recess taken.)

6 THE CLERK: Page 24, line 3. Recalling
7 Kevin Chandler.

8 THE COURT: Mr. Chandler is back.

9 EXAMINATION BY THE COURT:

10 Q. Mr. Chandler, did you have enough time to go
11 through this petition with Mr. Gehan?

12 A. Yes, Your Honor.

13 Q. You are a lawyer too, aren't you?

14 A. Yes, Your Honor.

15 Q. I have to make a record regarding the rights.
16 And that is your signature on the bottom
17 here?

18 A. Yes.

19 Q. All right. Do you understand that what this
20 basically means is it is enhancible? I don't
21 think I have to explain enhancible to you.

22 A. Yes, Your Honor, I understand.

23 Q. You know what is going on?

24 A. Yes.

25 Q. At this point, then, I guess we have to go

1 through a factual basis. Did this incident
2 happen in St. Paul on July 26, 1995?

3 A. Yes.

4 Q. The address says, "164 North Snelling Avenue."
5 Is that where O'Gara's bar is?

6 A. I don't know, Your Honor. I assume so. That
7 is where it was.

8 THE COURT: Okay. I do read the
9 newspaper, so I am aware of, at least, what
10 the allegations have been. Mr. Gehan, do you
11 want to put on further factual basis, or Ms. Palmer
12 Which one of you wants to put a further
13 factual basis on the record?

14 MS. PALMER: Your Honor, the police
15 reports indicate that on July 26, 1995,
16 the police were sent to O'Gara's bar parking
17 lot in the City of St. Paul, Ramsey County,
18 Minnesota. They arrived and spoke to a number
19 of witnesses who say they had observed a
20 couple involved in an argument. One man heard
21 a female screaming. He observed a man hitting,
22 what appeared to be hitting, her. That man
23 was identified as Kevin Maurice Chandler,
24 the defendant here today. Mr. Chandler
25 acknowledges slapping his wife in the parking

1 lot.

2 EXAMINATION BY THE COURT:

3 Q. Mr. Chandler, did you at some point in that
4 parking lot slap your wife?

5 A. Yes, Your Honor.

6 THE COURT: All right. At this point,
7 then, I am going to accept your plea of
8 guilty. It is our practice here, obviously
9 you don't want it any different and I'm not
10 going to do it any different from any other
11 defendant who pleads guilty to assault in the
12 fifth degree as a domestic, to order a
13 presentence investigation report. I will do
14 so. We will have the sentencing -- did you
15 get a date?

16 MR. GEHAN: We have a date, Your Honor,
17 of September 21 before you at 9 o'clock a.m.

18 THE COURT: Okay. You are ordered to
19 cooperate with probation in preparing that
20 report. I do note it looks like there is
21 already a victim impact statement in the file,
22 but I think probation has some kind of an
23 obligation to also attempt to contact the
24 victim. With that, then, we will continue it
25 to sentencing. That is all.

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MR. GEHAN: Should we make contact directly with probation, Your Honor?

THE COURT: She is right there. That is it. She will give you the information you need.

(Whereupon, this matter was further continued for presentence investigation report and sentencing.)

* * *

REPORTER'S CERTIFICATE

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I, Danna L. Frazier, Official Court Reporter in and for the County of Ramsey, State of Minnesota, hereby certify that the preceding transcript constitutes a true and complete transcription of my stenographic notes taken at the time and place herein before set forth.

Dated: December 18, 1995

Danna L. Frazier
Official Court Reporter
Ramsey County District Court
1550 Ramsey County Courthouse
St. Paul, Minnesota 55101

609.224 Assault in the fifth degree.

Subdivision 1. Misdemeanor. Whoever does any of the following commits an assault and is guilty of a misdemeanor:

(1) commits an act with intent to cause fear in another of immediate bodily harm or death; or

(2) intentionally inflicts or attempts to inflict bodily harm upon another.

Subd. 2. Gross misdemeanor. (a) Whoever violates the provisions of subdivision 1 against the same victim during the time period between a previous conviction under this section, sections 609.221 to 609.2231, 609.342 to 609.345, or 609.713, or any similar law of another state, and the end of the five years following discharge from sentence for that conviction, is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

(b) Whoever violates the provisions of subdivision 1 within two years of a previous conviction under this section or sections 609.221 to 609.2231 or 609.713 is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

(c) A caregiver, as defined in section 609.232, who is an individual and who violates the provisions of subdivision 1 against a vulnerable adult, as defined in section 609.232, is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

Subd. 3. Firearms. (a) When a person is convicted of a violation of this section or section 609.221, 609.222, or 609.223, the court shall determine and make written findings on the record as to whether:

(1) the defendant owns or possesses a firearm; and

(2) the firearm was used in any way during the commission of the assault.

(b) Except as otherwise provided in section 609.2242, subdivision 3, paragraph (c), a person is not entitled to possess a pistol if the person has been convicted after August 1, 1992, of assault in the fifth degree if the offense was committed within three years of a previous conviction under sections 609.221 to 609.224, unless three years have elapsed from the date of conviction and, during that time, the person has not been convicted of any other violation of section 609.224. Property rights may not be abated but access may be restricted by the courts. A person who possesses a pistol in violation of this paragraph is guilty of a gross misdemeanor.

Subd. 4. Felony. (a) Whoever violates the provisions of subdivision 1 against the same victim during the time period between the first of two or more previous convictions under this section or sections 609.221 to 609.2231, 609.342 to 609.345, or 609.713, and the end of the five years following discharge from sentence for that conviction is guilty of a felony and may be sentenced to imprisonment for not more than five years or payment of a fine of not more than \$10,000, or both.

(b) Whoever violates the provisions of subdivision 1 within three years of the first of two or more previous convictions under this section or sections 609.221 to 609.2231 or 609.713 is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

HIST: 1979 c 258 s 7; 1983 c 169 s 2; 1985 c 159 s 1; 1987 c 329 s 7; 1992 c 537 s 1,2; 1992 c 571 art 6 s 13; 1993 c 326 art 2 s 11,12; 1Sp1993 c 5 s 2,3; 1994 c 636 art 3 s 10; 1995 c 229 art 2 s 1; 1995 c 259 art 3 s 13,14

FILED

STATE OF MINNESOTA
COUNTY OF RAMSEY

NOV 8 1995
RAMSEY DISTRICT COURT

COUNTY OF RAMSEY
SECOND JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

File No. T5-95-38291

vs.

ORDER STAYING IMPOSITION
OF SENTENCE

Kevin Maurice Chandler,

Defendant.

The above-entitled matter came on for sentencing on the 21st day of September, 1995, before the Hon. Kathleen Gearin, Judge of District Court. Virginia Palmer, Assistant St. Paul City Attorney, appeared on behalf of the State of Minnesota. Mark Gehan, Jr., Attorney at Law, appeared with and on behalf of the Defendant.

The Defendant, having previously entered a plea of guilty to the offense of Assault in the Fifth Degree on 8-14-95, the matter was set for presentence investigation report and sentencing.

IT IS HEREBY ORDERED:

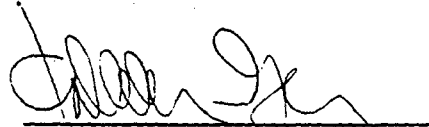
1. That the Defendant is adjudged to be guilty of the crime of Assault in the Fifth Degree as charged and imposition of sentence is hereby stayed pursuant to M.S. 609.135 for a period not to exceed one year, during which time the Defendant shall be on probation on the following conditions:

- a) That Defendant pay court costs in the amount of \$210.
- b) That Defendant follow all the recommendations of his probation officer regarding domestic abuse counseling or other individual counseling.
- c) That Defendant remain law-abiding.

Dated:

11-8-95

BY THE COURT:


Kathleen Gearin
Judge of District Court

KEVIN M. CHANDLER
Senator 55th District
Minnesota State Senate
Room 111 State Capitol
St. Paul, MN 55155
Phone: 296-9307

Senate

State of Minnesota

October 3, 1995

Majority Leader Roger Moe
Minnesota State Senate
State Capitol
St. Paul, Minnesota 55155

Dear Majority Leader Moe:

It has been a tremendous honor to serve in the Minnesota State Senate for the past three years. Indeed, I have come to respect this Body and my hard-working colleagues on both sides of the aisle, even more than when I first arrived.

But from the start, I have also been frustrated that an increasingly-cynical electorate has lost faith in their elected officials, and do not recognize the commitment, sacrifice and dedication of the fine men and women who serve them. Sadly, I know my recent mistakes have only contributed to that cynicism.

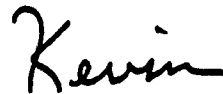
As you know, immediately following my very public and personal crisis, I extended an offer that I resign my Senate leadership positions. After further soul-searching, and now in light of recent unfortunate events involving another of my colleagues, it has become apparent to me that such action is absolutely necessary.

It's important to me that the people I represent understand that I take my responsibilities here very seriously, and know that I realize that there are ramifications that come from my mistakes. Consequently, I hereby resign my leadership positions in the Senate.

I appreciate your friendship and support during this difficult time.

With best wishes,

Sincerely yours,



Kevin M. Chandler
State Senator



**EMBER REICHGOTT JUNGE
ASSISTANT MAJORITY LEADER**

Senator 46th District
Room 205 State Capitol
75 Constitution Avenue
St. Paul, MN 55155-1606
Phone: 296-2889
and
7701 48th Avenue North
New Hope, Minnesota 55428



Senate
State of Minnesota

January 2, 1996

Senator Kevin Chandler
Room 111 State Capitol
St. Paul, MN 55155

Dear Sen. Chandler:

On December 12, 1995, you were given notice of the request for disciplinary action against you filed by Senator Moe. On December 21, you were given notice of the complaint against you filed by Senator Dean Johnson and Senator Neuville.

A hearing on those matters is scheduled for Wednesday, January 3, 1996, in Room 112 of the Capitol, beginning at 3:00 p.m..

Enclosed are copies of Senate Rule 75, under which the Subcommittee on Ethical Conduct is now operating, the rules of procedure adopted by the Subcommittee in 1994, and Minn. Stat. § 3.153, setting forth the subpoena power of the Subcommittee.

You may appear at the hearing to present evidence and argument on your behalf. All testimony will be taken under oath. You may present witnesses whose testimony is competent, relevant, and material to the subject of the hearing. For any witnesses you intend to call, please inform the Subcommittee at least 24 hours before the hearing of the witness' name, address, and phone number, and a brief summary of the testimony you expect the witness to give.

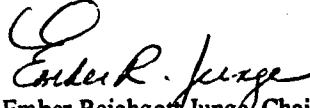
You may appear with counsel, and may cross-examine any witnesses that may testify against you.

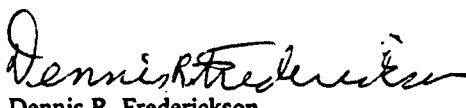
The hearing will be recorded on magnetic tape, and Subcommittee will also have a court reporter present to make a stenographic record. You may request a copy of the tape or a transcript at your expense.

The hearing will be a public proceeding.

If you have any questions about how the Subcommittee intends to proceed, please contact one of us or Senate Counsel.

Sincerely,


Ember Reichgott Junge, Chair
Subcommittee on Ethical Conduct


Dennis R. Frederickson
Ranking Member

COMMITTEES: Vice Chair, Ethics & Campaign Reform • Vice Chair, Rules & Administration •
Taxes & Tax Laws • Education • Education Funding Division • Judiciary • Chair, Special Subcommittee
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KEVIN M. CHANDLER
Senator 55th District
Minnesota State Senate
Room 111 State Capitol
St. Paul, MN 55155
Phone: 296-9307

Senate
State of Minnesota

January 3, 1996

Senator Ember Reichgott-Junge
Chair
Subcommittee on Ethical Conduct
Minnesota State Senate
St. Paul, Minnesota 55155

Dear Madam Chair:

Given that my attendance is not required today, I respectfully decline your invitation to appear before the Subcommittee.

I wish to again sincerely apologize to my Senate colleagues and ask only that the Committee consider how painful this very personal mistake has been, is, and will always be, for my loved ones and me.

Sincerely yours,



Kevin M. Chandler
State Senator



January 3, 1996

Senator Neville's

**Questions Regarding:
Senator Kevin Chandler**

1. What are the facts surrounding the assault?
2. Was Senator Chandler's plea fair?
 - A) What was his sentence?
 - B) Could Chandler have been charged with a more serious assault charge?
3. Did Chandler promptly accept responsibility?
4. To what extent should Chandler's decision to retire mitigate his discipline?
5. To what extent does committing a crime of violence bring the senate into disrepute or betray the public trust?

Peter S. Wattson
Senate Counsel
17 Capitol
St. Paul, Minnesota 55155

(612) 296-3812
(612) 296-7747 Fax

FAX COVER PAGE

January 8, 1996

To: Senator Kevin Chandler
Fax Number: 854-0706

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(Including this page)

Following are draft of findings of fact to be considered by the Subcommittee on Ethical Conduct tomorrow morning, Tuesday, January 9, 1996, at 10:00 a.m. in Room 15 of the Capitol.

Senator Neville will be given an opportunity to address the subcommittee regarding the findings and appropriate disciplinary action.

You may, if you choose to do so, address the subcommittee regarding the proposed findings and appropriate disciplinary action.

After it has heard from Senator Neville and you, the subcommittee will consider appropriate disciplinary action.

Fax copy to: Senator Thomas M. Neville
507/645-7233

If you have a problem with this transmission, please call (612) 296-3812

DRAFT 1/8/96

A Senate resolution relating to ethical conduct; conduct of Senator Kevin Chandler.

WHEREAS, the Subcommittee on Ethical Conduct of the Committee on Rules and Administration, based on clear and convincing evidence, has made the following findings:

1. Kevin Chandler was first elected to the Minnesota Senate in 1992, representing District 55.
2. On the night of July 26, 1995, during the interim between the 1995 and 1996 sessions of the Legislature, Senator Chandler became involved in an argument with his estranged wife in the parking lot of O'Gara's Bar, 164 North Snelling Avenue, St. Paul, shortly after 11 p.m..
3. During the course of the argument, Senator Chandler slapped his wife in the face with his open hand.
4. On August 8, 1995, Senator Chandler requested that he be charged with assault in the fifth degree.
5. On August 11, 1995, before the Honorable Kathleen Gearin, Judge of Ramsey County District Court, Senator Chandler pleaded guilty to a violation of Minn. Stat. § 609.224, assault in the fifth degree, a misdemeanor.
6. On September 21, 1995, Judge Gearin, acting under Minn. Stat. § 609.135, stayed imposition of sentence for one year, during which time Senator Chandler will be on probation on the following conditions:
 - a. That he pay court costs in the amount of \$210.
 - b. That he follow all the recommendations of a probation officer.
 - c. That he remain law-abiding.
7. On October 3, 1995, Senator Chandler resigned his positions as Vice-Chair of the Committee on Environment and Natural Resources, Chair of the Environmental Protection Subcommittee of the Committee on Environment and Natural Resources, Chair of the Employment Subcommittee of the Committee on Jobs, Energy and Community Development, and his position as Majority Whip.
8. Senator Chandler has complied with all conditions imposed by the court, including a six-week domestic abuse education program.
9. On December 27, 1995, Senator Chandler announced that he would not be a candidate for reelection in 1996.
10. On January 3, 1996, Senator Chandler submitted to the chair of the Subcommittee his written apology to the Senate.

Senate Ethics Subcommittee Recommended Sanction

From Complainants

Regarding Senator Kevin Chandler

January 9, 1996

The facts involved in Senator Chandler's plea to fifth degree criminal assault are ^{not} being disputed by complainants. We accept the findings prepared by the Senate Counsel.

Senator Chandler has announced his intention to retire from the Minnesota Senate and has promptly and appropriately accepted responsibility for his conduct.

Legislators must demonstrate that they are able to obey the laws that they enact. Whether fair or not, we are held to a higher standard of conduct than others who are not elected officials. There are two offenses which are more subject to discipline than others: crimes of dishonesty and crimes of violence. Both offenses go to the very heart of our ability to be trusted by the citizens of our district and state.

Of all the recent complaints this committee has dealt with, Senator Chandler has acted most appropriately in accepting personal responsibility after the occurrence of his criminal conduct.

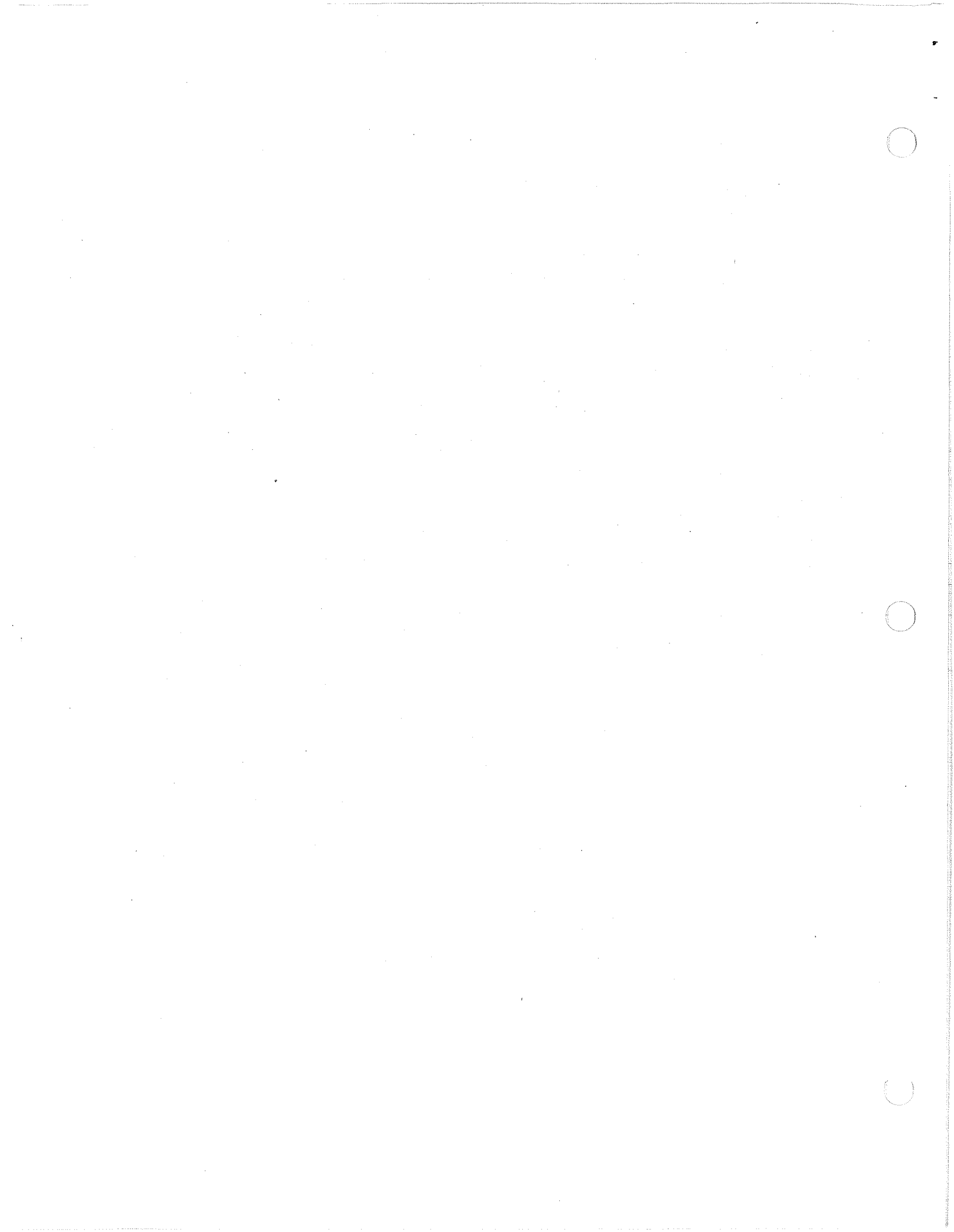
We believe that his sincere remorse and subsequent conduct have restored, as much as possible, the reputation of the Senate. However, it is important that we also recommend appropriate discipline in this case because of the precedent which will be established.

The Senate has often repeated our policy of "zero tolerance" for violent behavior. If one of our members engages in such violent conduct - it must be taken seriously.

RECOMMENDATION:

1. Senator Chandler be asked to resign his office as a Minnesota Senator effective June 1, 1996.
2. If he refuses to resign, then his Senate salary and benefits should be terminated as of that date.
3. Senator Chandler should not serve as Chair or Vice-Chair of any committee or commission on which he sits.

This sanction sends an appropriate message to future violent offenders of our body, while recognizing the mitigating factors cited previously. This sanction allows Senator Chandler to complete this legislative session without prejudice to his Senate District.



MINNESOTA SENATE
SUBCOMMITTEE ON ETHICAL CONDUCT

CONDUCT OF SENATOR KEVIN M. CHANDLER

SUBCOMMITTEE DELIBERATIONS
JANUARY 9, 1996

Transcribed January 15, 1996

1 Proceedings held on the 9th day of January, 1996, before the Minnesota Senate
2 Subcommittee on Ethical Conduct, Room 15, State Capitol.

3
4 Members of the Committee include:

5
6 Senator Ember Reichgott Junge, Chair

7 Senator Dennis R. Frederickson

8 Senator Steven G. Novak

9 Senator Roy W. Terwilliger

10
11 Peter S. Wattson, Senate Counsel

12
13 Chief Justice Douglas K. Amdahl, Outside Counsel

14 Chief Justice Robert J. Sheran, Outside Counsel

15
16 **A P P E A R A N C E**

17
18 Senator Thomas M. Neuville, Complainant

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1 Subcommittee discussions regarding the sanctions to be imposed on Senator Chandler.

2
3 SENATOR REICHGOTT JUNGE: Justice Amdahl, can I ask you your question on the
4 record again, because I think it's just important for the record, and I would ask you then, "Do
5 you, in your opinion, do you believe then that due process has been afforded all of the people who
6 have appeared before the committee?"

7 JUSTICE DOUGLAS AMDAHL: I do believe so. Due process is the right to receive
8 notice of any complaint against you, the right to appear, the right to bring in answers or bring
9 answers to any complaint that's made, the right to have witnesses present, the right to counsel,
10 and all of those things have been granted.

11 SENATOR REICHGOTT JUNGE: Thank you, Justice Amdahl. And may I also say we
12 are being taped on the Senate system, is that correct, so we have that on the record as well. All
13 right. Well, before we go further then, I would like to just see if there are comments from the
14 subcommittee, questions about the process, or if we should just proceed at this time.

15 SENATOR FREDERICKSON: Madame Chair, let's proceed.

16 SENATOR REICHGOTT JUNGE: Okay, Senator Frederickson. Senator Neuville, did
17 you have a comment?

18 SENATOR NEUVILLE: Madame Chair, just to back up a bit, while I recognize that
19 Senator Bertram has tendered his resignation, at some point when you do your deliberations, I
20 would ask you to at least give consideration to forwarding the record of this hearing to the
21 appropriate county attorney for further investigation. There's at least, in my view, probable cause
22 to believe that there might be appropriate charges for bribery -

23 SENATOR REICHGOTT JUNGE: Senator Neuville, I am going to, at this point, cut off
24 that discussion. We don't have a pending complaint before us. Mr. Wattson informs me that it is
25 simply not appropriate for us to do so.

26 MR. WATTSON: Madame Chair and Senator Neuville, this is an important matter
27 involving the independence of the legislature and the rights of a member of the legislature to
28 engage in the legislative process without being questioned in other places, and there are cases that

1 would say that whatever a member has done within the legislative process is not grounds for any
2 prosecution outside the legislative process. In particular, a very close parallel to this was the case
3 of Senator Dave Durenberger, where a number of charges were brought against him in the
4 proceedings of the U.S. Senate Ethics Committee, and a federal prosecutor, a U.S. attorney, used
5 some of that information, a transcript or evidence that was provided to the committee, as a part of
6 material that was presented to a grand jury that then indicted Senator Durenberger. On review by
7 the courts, the court threw out that indictment on the ground that it had been tainted by this
8 material from the legislative proceedings that had been presented to the grand jury and
9 proceedings were not then completed against Senator Durenberger until they were brought a
10 second time without any reference to what had happened before the Senate Ethics Committee.
11 So, I think it would be improper for this committee to forward any of the information that it has
12 gathered to the prosecuting authorities, since it may not legally be made the basis of a
13 prosecution.

14 SENATOR REICHGOTT JUNGE: At that point then, I'm going to go on Senator
15 Neuville.

16 SENATOR NEUVILLE: My request is on the record.

17 SENATOR REICHGOTT JUNGE: Thank you. At this point then, Senator Neuville, I
18 believe it would be your opportunity to address the subcommittee as to your recommendations or
19 comments about sanctions or penalties for the two senators whose complaints are before us and
20 the first would be Senator Chandler and the second would be Senator Solon. Senator Neuville.

21 SENATOR NEUVILLE: Thank you Madame Chair. I do have written remarks. Have
22 they been distributed to the members?

23 SENATOR REICHGOTT JUNGE: Written remarks. Senator Novak.

24 SENATOR NOVAK: Madame Chair, just a point of inquiry here on the procedure. It
25 was my understanding that we would have before us a draft recommendation that we would be
26 working off of.

27 SENATOR REICHGOTT JUNGE: For a, well -

28 SENATOR NOVAK: For each case.

1 SENATOR REICHGOTT JUNGE: Right. What we have to do first is determine whether
2 we agree on the findings of fact and then at that point we will have draft recommendations as
3 well.

4 SENATOR NOVAK: So Madame Chair, shouldn't we do that first? I'm curious why
5 we're taking Senator Neville's comments at this --

6 SENATOR REICHGOTT JUNGE: We're just taking advice at this point and then we're
7 going to move into committee deliberations later and that would be the appropriate time to look
8 at draft recommendations. This is just additional advice.

9 SENATOR NOVAK: Madame Chair, additional advice related to what?

10 SENATOR REICHGOTT JUNGE: The sanctions. Senator Neville had requested time
11 today to do this.

12 SENATOR NOVAK: I don't disagree with that. I'm just wondering about the timing. It
13 seems like it should come after the case is back in front of us with a statement of facts.

14 SENATOR REICHGOTT JUNGE: Senator Frederickson.

15 SENATOR FREDERICKSON: Madame Chair, Senator Novak, when Senator Reichgott
16 Junge and I were talking about how we would proceed today, we thought it would be helpful to
17 get the suggestions of possible sanctions from Senator Neville, provide the same opportunity to
18 Senator Chandler and Senator Solon, get that on the record and at that point we would have no
19 further outside input. It would be a discussion among the four members of the committee and
20 Justice Amdahl as to the fact finding and as to the possible sanctions. So that is how we thought
21 would be a very deliberative way to proceed.

22 SENATOR NOVAK: Madame Chair, I don't necessarily --

23 SENATOR REICHGOTT JUNGE: Senator Novak.

24 SENATOR NOVAK: I guess I don't necessarily object to that, but then my question
25 would be when we start to approach a final resolution in terms of a recommendation, will we be
26 working off the draft document?

27 SENATOR REICHGOTT JUNGE: Yes. Yes, this is just further input before we close
28 the record to the outside participants.

1 SENATOR NOVAK: All right, all right.

2 SENATOR REICHGOTT JUNGE: Okay. With that then, Senator Neville you
3 mentioned you had some written testimony here?

4 SENATOR NEUVILLE: Madame Chair, I prepared my remarks in writing with enough
5 copies for each of the members of the committee.

6 SENATOR REICHGOTT JUNGE: All right. So, I'm just trying to identify it, I don't see
7 your name on it, oh, from complainants.

8 SENATOR NEUVILLE: From complainants.

9 SENATOR REICHGOTT JUNGE: Okay. Regarding Senator Kevin Chandler, does
10 everyone have that then? And then also from Senator Solon. All right, Senator Neville, please
11 proceed then.

12 SENATOR NEUVILLE: Thank you, Madame Chair.

13 SENATOR NOVAK: Madame Chair, do we all have that? I'm sorry, I've got it.

14 SENATOR REICHGOTT JUNGE: All right. Everybody satisfied? Okay, very good. Go
15 ahead Senator Neville.

16 SENATOR NEUVILLE: Madame Chair, let me first begin by saying that I also commend
17 you for conducting hearings in a manner that was fair and afforded due process. I think the
18 committee's done a good job. My remarks are made on behalf of myself and Senator Dean
19 Johnson, as co-complainants. It is not a caucus position. The facts involving Senator Chandler's
20 plea to fifth-degree criminal assault are not being disputed by the complainants. There's a
21 typographical error there. We accept the findings that were prepared by Mr. Wattson, which I've
22 had a chance to review and find no question with. Senator Chandler has announced his intention
23 to retire from the Minnesota Senate and has promptly and appropriately accepted responsibility
24 for his conduct. Legislators must demonstrate that they are able to obey the laws that they enact.
25 Whether fair or not, we are held to a higher standard of conduct than others who are not elected
26 officials. There are two offenses that are more subject to discipline than other crimes; crimes of
27 dishonesty and crimes of violence. Both of these offenses go to the very heart of our ability to be
28 trusted by the citizens of our district and the state. Of all the recent complaints this committee has

1 dealt with, Senator Chandler has acted most appropriately in accepting personal responsibility
2 after the occurrence of his criminal conduct. We believe that his sincere remorse and his
3 subsequent conduct have restored, as much as possible, the reputation of the Senate. However, it
4 is important that we also recommend appropriate discipline in this case because of the precedent
5 which will be established. The Senate has often repeated our policy of zero tolerance for violent
6 behavior. If one of our members engages in such violent conduct, especially when it's criminal in
7 nature, it must be taken seriously. Therefore, Senator Johnson and I would recommend that –
8 the following: that Senator Chandler be asked to resign his office as a Minnesota Senator effective
9 June 1st of 1996. If he refuses to resign, then his Senate salary and benefits should be terminated
10 as of that date, not the end of the year, and finally, that Senator Chandler should not serve as a
11 chair or vice-chair of any committee or commission on which he sits. This sanction sends an
12 appropriate message to future violent offenders of our body, while recognizing the mitigating
13 factors that I've previously cited. This sanction allows Senator Chandler to complete his
14 legislative session without prejudice to his senate district. Thank you, Madame Chair.

15
16 (Subcommittee discussion of Senator Solon omitted.)

17
18 SENATOR NOVAK: Madame Chair.

19 SENATOR REICHGOTT JUNGE: Senator Novak.

20 SENATOR NOVAK: Just because I assume we're taking these in order, is it accurate that
21 Senator Chandler is not here and that –

22 SENATOR REICHGOTT JUNGE: I was just going to get to that next. I didn't see
23 anyone. Let me just ask is anyone here on behalf of Senator Chandler to make some comments to
24 the committee? And I don't see Senator Chandler in the room, so I would assume then that there
25 would not be additional comments. And again, it was just an invitation to each of them to be here
26 to respond if they so desired. It is certainly no requirement that they do so.

27
28 (Subcommittee discussion of Senator Solon omitted.)

1 SENATOR REICHGOTT JUNGE: We'll begin first by taking a look at the findings of
2 fact that have come to us as drafted by our counsel and have been spoken to at least in one of the
3 cases, and so perhaps if members don't mind, why don't we start with the case pending against
4 Senator Chandler. Without objection, we will move to that. We have before us findings of fact.
5 It's on stationery from Mr. Wattson and it's entitled draft 1-8-96, Senate Resolution relating to
6 ethical conduct, conduct of Senator Kevin Chandler. Senator Frederickson.

7 SENATOR FREDERICKSON: Madame Chair, in order to get this draft resolution before
8 us, I move the adoption of the resolution on findings regarding the conduct of Senator Chandler.

9 SENATOR REICHGOTT JUNGE: Now members, this draft has been prepared by our
10 Senate Counsel, he, I believe, has reviewed it both with Senator Neville and Senator Chandler, is
11 that correct?

12 MR. WATTSON: That is correct.

13 SENATOR REICHGOTT JUNGE: And they are in agreement with this as set forth
14 before us?

15 MR. WATTSON: That is my understanding.

16 SENATOR REICHGOTT JUNGE: All right. And I've not heard anything further and I
17 don't think we heard anything today regarding the findings of fact. So members, is there
18 discussion on the findings of fact regarding Senator Chandler? Seeing no discussion then, the
19 motion is before us by Senator Frederickson that we adopt these findings of fact based on clear
20 and convincing evidence. On that motion all those in favor signify by saying "Aye."

21 MEMBERS OF THE COMMITTEE: Aye.

22 SENATOR REICHGOTT JUNGE: Opposed say "No." The motion does prevail. All
23 right then members we need to go next to the issue then of possible sanctions against Senator
24 Chandler. And at this time then, I would like to open it up for some committee discussion, and
25 just get some comments from the committee. We do have some draft proposals for sanctions
26 which I'll ask the counsel to pass out so that members can work from that. Again, these are
27 simply drafts that came about with discussions between Senator Frederickson and myself, just to
28 provide for a basis for committee discussion. At this point though, I would like to ask members if

1 they have some comments or questions about the proceedings regarding Senator Chandler.
2 Senator Frederickson.

3 SENATOR FREDERICKSON: I don't think there is any dispute at all about the facts in
4 this case. They've been agreed to. I think Senator Chandler immediately realized the gravity of
5 the action he had taken. He admitted he was – he admitted he should not have taken the actions
6 that he did. He immediately took steps to avail himself of the judicial process. He took steps to
7 resign from certain positions in the Senate. I think he is – has been cooperative of this effort. I
8 think he is remorseful for what he did. I think he realizes that assault on another person is a very
9 serious offense and I think he's been very cooperative with the committee and we should take that
10 into account when we consider the sanctions. That's just my reaction to what we've seen and
11 heard and what I've read about this case.

12 SENATOR NOVAK: Madame Chair.

13 SENATOR REICHGOTT JUNGE: Senator Novak.

14 SENATOR NOVAK: I think it should be added for the record too that it is not
15 insignificant that Senator Chandler has also announced that he is not running again, and that for
16 all practical purposes, his political career is ending as a result of this, which is certainly a
17 significant decision for him to make.

18 SENATOR REICHGOTT JUNGE: Mr. Justice Amdahl, did you have some advice for the
19 committee regarding this?

20 CHIEF JUSTICE AMDAHL: No, I do not. It's not a legal matter now we're talking
21 about a disciplinary, factual matter.

22 SENATOR REICHGOTT JUNGE: So, you don't – do you have any advice then as to
23 the sanction that we should impose, having adopted the findings?

24 CHIEF JUSTICE AMDAHL: It seems to me that the sanctions that should be imposed is
25 the apology to the Senate that you have recommended.

26 SENATOR REICHGOTT JUNGE: Would it be appropriate at this time also to get advice
27 from Justice Sheran? Perhaps we can have staff try to connect him in the proceedings here before
28 we make a final decision. Senator Terwilliger.

1 SENATOR REICHGOTT JUNGE: I need to have the phone here, unfortunately, so I can
2 talk into it. Excuse me, I'll just keep it right here and talk into it. I'm sorry, can you hear me?

3 CHIEF JUSTICE SHERAN: Now I can.

4 SENATOR REICHGOTT JUNGE: All right, very good. Chief Justice Amdahl indicated
5 that he thought that a public apology to the Senate by Senator Chandler would be appropriate, do
6 you agree with that?

7 CHIEF JUSTICE AMDAHL: I would agree with that.

8 SENATOR REICHGOTT JUNGE: All right. Would that - do you believe that anything
9 more needs to be done beyond that or -

10 CHIEF JUSTICE SHERAN: No, I think not. I think the apology, depending on how it's
11 phrased, would serve the same purpose because it would make it clear to the public that that kind
12 of behavior is anathema as far as the Senate is concerned, and if the apology embraces a
13 recognition of that, that should be sufficient, in my view of things.

14 SENATOR REICHGOTT JUNGE: Chief Justice Sheran and members of the committee
15 then, what I was going to do now was to share some of the thoughts on the draft resolution here
16 for the penalties for the conduct and the resolution would be: be it resolved by the Senate of the
17 State of Minnesota that the conduct of Senator Kevin Chandler in slapping his wife was criminal.
18 Number 2, that Senator Chandler's decision voluntarily to resign his leadership positions in the
19 Senate was an appropriate disciplinary action, and number 3 that Senator Kevin Chandler be
20 required to apologize to the Senate in open session. Do you or Justice Amdahl have any further
21 comments about that? Mr. Justice Amdahl?

22 CHIEF JUSTICE AMDAHL: No, I have no further comment.

23 SENATOR REICHGOTT JUNGE: Okay. Mr. Justice Sheran?

24 CHIEF JUSTICE SHERAN: No, I think not.

25 SENATOR REICHGOTT JUNGE: Okay. We appreciate your comments.

26
27 (Subcommittee discussion of Senator Solon omitted.)
28

1 SENATOR REICHGOTT JUNGE: Chief Justice Sheran, you may not have been
2 informed that we only have two cases before us today because Senator Bertram resigned from the
3 Senate earlier this morning.

4 CHIEF JUSTICE SHERAN: I did not hear that.

5 SENATOR REICHGOTT JUNGE: So we will not be taking any further action on that.

6 CHIEF JUSTICE SHERAN: Well, it seems to me that he's done the wise thing and that
7 would be the end of that.

8 SENATOR REICHGOTT JUNGE: Are there any further questions now for Justice
9 Sheran by the committee members regarding his comments on either Senator Chandler or Senator
10 Solon.

11 SENATOR NOVAK: Just a thanks to him for his work.

12 SENATOR REICHGOTT JUNGE: Senator Novak conveys his thanks to you for your
13 work and your assistance to this committee and I believe Senator Frederickson may want to do
14 the same, I'm going to put him on the line. This is kind of like a big conference call.

15 CHIEF JUSTICE SHERAN: It's getting that way, right.

16 SENATOR FREDERICKSON: Justice Sheran, I too wanted to thank you for your help
17 and assistance through this whole committee process. Your advice and counsel has been very
18 valuable and I think helped immensely with the process to make certain that we followed due
19 process and observed all of the constitutional protections. Thank you very much.

20 CHIEF JUSTICE SHERAN: Thank you very much, Senator. I do feel that the committee
21 functioned as a committee of this kind should function and that due process was accorded. So, I
22 feel good to have been a part of it.

23 SENATOR REICHGOTT JUNGE: Thank you again Justice Sheran, Senator Terwilliger
24 also sends his thanks and I want to emphasize that as chair that your advice has been greatly
25 appreciated and valued by all of us and I believe that the strength of our process is really in part,
26 in large part, to the work, the advice of you and Justice Amdahl so I thank you and appreciate you
27 taking time out to be with us today, I believe that will conclude then our questions for you. If you
28 have anything further to say, this would be the time to say it.

1 CHIEF JUSTICE SHERAN: No, I think not other than the fact that I was impressed by
2 the manner in which this matter has been handled to this point and as I indicated to Senator
3 Frederickson, I'm pleased to have been a part of it.

4 SENATOR REICHGOTT JUNGE: Well thank you, sir we appreciate it and as you know
5 we still have one more complaint pending so we may be in touch with you again. So, after the
6 first of February.

7 CHIEF JUSTICE SHERAN: In any event, I'll be available, if needed.

8 SENATOR REICHGOTT JUNGE: Thank you very much Justice Sheran.

9 CHIEF JUSTICE SHERAN: Okay.

10 SENATOR REICHGOTT JUNGE: Bye bye now. Thank you and thank you for making
11 that work for us. All right. Well, then at this point then we have received his input on both of the
12 proceedings but I would prefer to go back to that of Senator Chandler at this time. We have
13 heard advice from the two justices on this as well and let me just see if there's any further
14 discussion regarding the proposed sanctions that I have read. Senator Frederickson.

15 SENATOR FREDERICKSON: Madame Chair, I did want to take note that we did have
16 some advice from the complainants on possible sanctions and I find that they are too severe to fit
17 the circumstances that we have before us.

18 SENATOR TERWILLIGER: Madame Chair.

19 SENATOR REICHGOTT JUNGE: Senator Terwilliger.

20 SENATOR TERWILLIGER: With regards to those recommendations on
21 recommendation number 3, which was Senator Chandler should not serve as chair or vice-chair of
22 any committee or commission on which he sits. That was the reason for my question on what
23 commissions he was on and as I look at the resolution that was passed out here, it talks about he
24 voluntarily resigned his leadership positions. In looking at those and tying those together, that
25 Senator Chandler's decision voluntarily to resign his leadership positions in the Senate was an
26 appropriate disciplinary action. Does that mean he would not be reappointed to any further and
27 does this mean that he would stay on all those committees and commissions on which he currently
28 has membership?

1 SENATOR REICHGOTT JUNGE: Mr. Wattson, I believe the answer is yes.

2 MR. WATTSON: Yes.

3 SENATOR REICHGOTT JUNGE: Yes. Senator Terwilliger, I think I know where
4 you're heading here. Senator Chandler is vice-chair of the Legislative Commission on the
5 Economic Status on Women. However, and I didn't check into this, but I believe that that vice-
6 chairmanship occurred from last year and as you know, the chairmanship and vice-chairs of the
7 commissions change from House to Senate each year. So because this is a new year, I would
8 expect that very shortly they'll be electing new officers and that there will be a new chair elected
9 from the Senate and new vice-chair elected from the House. I have not checked that out but that
10 would be the normal process and so I would expect then -

11 SENATOR TERWILLIGER: Madame Chair, I guess I was under the impression that on
12 commissions that for example in the pension commission I believe we continue in a two-year cycle
13 on the chair and vice-chair. So I was under the impression that that was the way we proceeded
14 on joint commissions.

15 SENATOR REICHGOTT JUNGE: That might be. So your concern is that number 2 says
16 that Senator Chandler's decision voluntarily to resign his leadership positions in the Senate might
17 not include that joint commission.

18 SENATOR TERWILLIGER: Madame Chair, that's correct. It does not appear that that
19 does include that.

20 SENATOR REICHGOTT JUNGE: I think you're right. I don't think it does. Senator
21 Frederickson.

22 SENATOR FREDERICKSON: Madame Chair, I have a concern that goes a little beyond
23 whether or not he is chair or co-chair of the economic status of women. Domestic violence and
24 spouse abuse is a very serious and a very emotional event, and I think the economic status on
25 women does some background work and provides advice in that area to the legislature and I'm
26 wondering if it's appropriate that he continue on that commission in view of the fact that the
27 commission could very well have battered spouses, people who have suffered domestic abuse
28 coming before the commission and I'm concerned number 1, what message that conveys to them

1 if somebody who has admitted and been convicted of spouse abuse continues on that panel
2 because I think that's a very emotional situation. There's a good deal of intimidation just implied
3 in that whole area and I think a matter of one person trying to control another person that it could
4 have a negative effect on the commission's proceedings. I don't know, I don't have a suggestion,
5 if we requested he be removed or that we request Senator Chandler consider whether or not he
6 should continue on that commission. I'm just sharing with you what my thoughts are in this area.

7 SENATOR REICHGOTT JUNGE: Senator Frederickson, I've just been informed that
8 Kevin Chandler is no longer vice-chair of the commission that I believe Senator Pat Piper is vice-
9 chair and that the chair is a House member. So, we don't have that issue. So the issue before us
10 is his service on the commission. I think I will respond to that. As a former chair of the
11 Legislative Commission on the Economic Status of Women and one who has a great deal of
12 commitment to the issues that it's about, the commission does deal with this issue but not in a
13 great, not in – it deals with virtually dozens and dozens of issues. This is one of many, many
14 issues that it deals with. I'm going to say something, I think, more general but it relates to this
15 and that is the whole notion of the fact that we're dealing with domestic violence I think is
16 something that we should address. Domestic violence is a very serious offense. I don't think that
17 anything we do today says that it's anything less than that. What's important to me and I have
18 been an advocate for strong laws against domestic violence in the Senate, and you know that,
19 what is much more important to me in any case of domestic violence isn't so much a fine or a
20 penalty, what it is is that the violence stop. And that this individual who abuses gets the help that
21 he needs to stop the violence. To me, that is far more important. You know, sending someone to
22 jail, and that didn't happen in this case, but or having a fine, that's a means to an end. The end is
23 to get the person into treatment and to get them the counseling they need to stop the violence and
24 that's what I think is important. In this case, Senator Chandler admitted that this was wrong. He
25 admitted in the courts and in the court of public opinion that it was wrong. He acknowledged the
26 severity of his actions and he paid the legal price for that. I believe he has a full understanding of
27 the seriousness of what domestic violence is and he has taken the appropriate steps to stop the
28 violence and that to me is the most important thing that has come out of this proceeding. So

1 whether or not he serves on that commission, to me Senator Frederickson, is just – is not nearly,
2 it's not the issue, and I might just add as a final point that perhaps his experience in this and as
3 well as his past experience in working with battered womens' shelters might actually be very
4 helpful to the commission in developing new laws and new policies to more strictly enforce and
5 protect people against domestic violence. I mean, I think he might have some unique legislative
6 and legal skills to contribute to that as well. Senator Frederickson.

7 SENATOR FREDERICKSON: Madame Chair, one of my concerns is that his presence
8 on that commission might make some individuals reluctant to come in and testify to the
9 commission because they have been through a similar situation. That that's what is the question
10 that's in my mind.

11 SENATOR REICHGOTT JUNGE: Senator Frederickson, I would suggest too that while
12 we have had hearings in the commission and it is possible that something like that could occur,
13 that those primarily occur in the interim, not during the session, because they've had their input
14 now and that they will now be putting forward their recommendations for the legislative session,
15 so the only time that that might occur might be in the interim after the sine die adjournment of the
16 Senate. Perhaps we could convey to the commission the need to be sensitive to that if that should
17 occur. Senator Novak.

18 SENATOR NOVAK: Nothing to say on the matter.

19 SENATOR REICHGOTT JUNGE: Mr. Justice Amdahl, did you wish to say something?

20 CHIEF JUSTICE AMDAHL: I have no comment to make as to the discussion you have
21 just finished.

22 SENATOR REICHGOTT JUNGE: Senator Terwilliger.

23 SENATOR TERWILLIGER: Madame Chair, I guess I appreciate what your comments
24 were since we really are dealing here with public opinion and the public perception of the Senate.
25 I think your response, while eloquent, does not respond maybe directly to the question I had,
26 which is, "What is the impression left as to someone continuing to serve on that commission with
27 this having happened?" I don't know that – it didn't seem to me that we still have resolved that.
28 I don't know what the public perception might be out there. What do the various groups, what

1 will be their impression of that commission and of the Senate that we did this to continue on
2 believing that someone who had had this unfortunate occurrence happen that they're going to be a
3 better person now or are we better off saying we would not – we think this is so egregious that
4 we would make a statement by asking him to step off that commission.

5 SENATOR REICHGOTT JUNGE: Senator Novak.

6 SENATOR NOVAK: I needed to get clarification on whether your concern was
7 membership on the commission or playing a leadership role, because when the discussion started I
8 think we thought he had a leadership role and he had resigned other leadership roles and
9 committees and so it might be appropriate to resign this one here too. I'm not so sure that that
10 applies to membership. I don't actually know all of the different standing committees that Senator
11 Chandler belongs to, but it's very possible that he belongs to judiciary or criminal justice or one of
12 these where some of these very same issues could come up as a matter of course and I don't think
13 anybody is suggesting resignation from committees. But maybe you could clarify it for me. Is
14 your concern the membership on this specific commission or the fact that when the discussion
15 started we thought he had a leadership position on the commission and that should be consistent
16 with the resignation from other leadership positions?

17 SENATOR REICHGOTT JUNGE: Senator Terwilliger.

18 SENATOR TERWILLIGER: Madame Chair, Senator Novak, when we initially started,
19 when I looked at the findings, it didn't list the commission on there and my recollection was that
20 he was in that other position. So that question was answered. But then when Senator
21 Frederickson raised his question, it cause me to raise the question in response to what Senator
22 Reichgott Junge said, you know we really – have we really resolved that? It still merits
23 continued discussion I think as to the continuation on that commission, is that appropriate or
24 inappropriate?

25 SENATOR REICHGOTT JUNGE: Senator Terwilliger, I guess what I basically said is
26 that to me that's not the issue. But, in all honesty, the commission deals with a number of other
27 issues, for example, enforcement of child support obligations and pay equity and such, and
28 Senator Chandler really has, to his credit, had a significant record, a strong record on those issues

1 particularly on the child support enforcement issues, and so I do believe that he's serves a
2 valuable function on that commission and so I guess I'm - and because I don't think that his
3 removal really is the issue, at least that I feel is the one here, I would just - I would reject that
4 notion, but certainly you have opportunity to pursue it.

5 SENATOR FREDERICKSON: Madame Chair.

6 SENATOR REICHGOTT JUNGE: Senator Frederickson.

7 SENATOR FREDERICKSON: You have served on that commission?

8 SENATOR REICHGOTT JUNGE: Yes, I have chaired that commission.

9 SENATOR FREDERICKSON: Madame Chair, you don't think it would be - you don't
10 think it would be a problem for him to continue serving on that commission?

11 SENATOR REICHGOTT JUNGE: I believe that if the commission believes it's a
12 problem, they also could convey and discuss that with Senator Chandler and I believe that they
13 could make some decisions on their own and Senator Chandler could take some action on his
14 own.

15 SENATOR FREDERICKSON: Madame Chair, are you ready for a motion?

16 SENATOR REICHGOTT JUNGE: Yes.

17 SENATOR FREDERICKSON: Madame Chair, members, we do have a draft resolution
18 that was prepared for our discussion and I would move that be it resolved by the Senate of the
19 State of Minnesota: (1) that the conduct of Senator Kevin Chandler in slapping his wife was
20 criminal, (2) that Senator Chandler's decision voluntarily to resign his leadership position in the
21 Senate was an appropriate disciplinary action; and (3) that Senator Kevin Chandler be required to
22 apologize to the Senate in open session.

23 SENATOR REICHGOTT JUNGE: Is there any discussion on the motion by Senator
24 Frederickson? Seeing none, the committee will come to a vote. I'm going to ask the Secretary to
25 take a roll call vote and the chair votes "Aye."

26 SECRETARY: Novak.

27 SENATOR NOVAK: "Aye."

28 SECRETARY: Frederickson.

1 SENATOR FREDERICKSON: "Aye."

2 SECRETARY: Terwilliger.

3 SENATOR TERWILLIGER: "Aye."

4 SENATOR REICHGOTT JUNGE: The motion does prevail on a unanimous vote. Thank
5 you members. I'm going to suggest members that we take just a five-minute recess before we get
6 into the deliberations on Senator Solon. If we could just maybe come back at ten minutes to 12.
7 We are in recess.

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STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

CERTIFICATE

I, Christine A. Grover, an employee of the Minnesota Senate, do hereby certify that the foregoing is a true and accurate transcript of the proceedings as taken by me on the dates and times stated, in the matter of Senator Kevin M. Chandler.

Christine A. Grover
Christine A. Grover

DATED: *January 16,* 1996.

Subscribed and sworn to before me this 16th day of January, 1996.

Patrick E. Flahaven



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