MINNESOTA SENATE

SUBCOMMITTEE ON ETHICAL CONDUCT

CONDUCT OF SENATOR FLORIAN CHMIELEWSKI

January 3, 1996

ROGER D. MOE
MAJORITY LEADER
Senator 2nd District
Route #3, Box 86A
Erskine, Minnesota 56535
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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 Florian Chmielewski

Dear Senator Reichgott Junge:

On December 5, 1995, Senator Florian Chmielewski pleaded guilty in Ramsey County District Court to a violation of Minn. Stat. § 609.43, Misconduct of Public Officer or Employee, a gross misdemeanor, for misusing the Senate telephone system. He is awaiting sentencing on that conviction.

As of today, Senator Chmielewski resigned his positions as Chair of the Committee on Transportation and Public Transit and his position as President Pro Tem.

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 Chmielewski, 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,

Roger D. Moe

Roger D. Moe
Senate Majority Leader

cc: Senator Florian Chmielewski

Senate Counsel & Research

G-17 State Capitol
St. Paul, MN 55155
(612) 296-4791
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Jo Anne Zoff Sellner
Director

Senate

State of Minnesota

December 21, 1995

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. Wattson, Senate Counsel
296-3812

Subj: Complaint Against Senator Chmielewski

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

PSW:mjr
Enclosure

cc: Senator Florian Chmielewski

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. The Minnesota State Senate has a phone system in which access can be gained to the system by means of a code number. Persons accessing the Senate phone system in this manner can make telephone calls with the charges for those phone calls being paid by the Minnesota State Senate.

4. The Ramsey County Attorney alleges that State Senator Florian Chmielewski gave the access code number, and also the new access code numbers after they were changed, to several members of his family, specifically including his son, Jeffrey Chmielewski. The Ramsey County Attorney further alleges that family members of Senator Chmielewski used the access code to make personal phone calls which were billed to the State Senate. In addition, Jeffrey Chmielewski used the access code to make long-distance phone calls in relation to his business of rehabilitating and reselling used slot machines. The Ramsey County Attorney alleges that Jeffrey Chmielewski's phone calls in this regard originated from his home, from his work place, from Denver, Colorado, and from Mesa, Arizona, and were placed to such locations as Las Vegas, Nevada, Atlantic City, New Jersey and other locations

in and outside of the State of Minnesota. These phone calls number several hundred and involve thousands of dollars which were billed to the state.

5. Senator Chmielewski has pled guilty on December 5, 1995 in Ramsey County District Court to misconduct of a public officer, a gross misdemeanor. Senator Chmielewski awaits sentencing on this gross misdemeanor offense.

6. As such, it is your affiants' belief that Senator Chmielewski has breached his ethical duty to the Minnesota State Senate and the people of Minnesota by misusing his public office and misusing public property, thereby violating an administrative policy of the Senate, violating accepted norms of Senate behavior, betraying the public trust, and bringing the Senate into dishonor or disrepute.

7. Affiants hereby formally complain of the conduct of Senator Florian Chmielewski 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

Dean Elton Johnson

Senator Dean Elton Johnson

Thomas M. Neuville

Senator Thomas M. Neuville

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

Gen Olson

Ex-officio Notary Public

State of Minnesota County of Ramsey District Court

CCT	LIST CHARGE STATUTE ONLY	MO C.	COC
1	609.43	Y2090	N

✓ if more than 6 counts (see attached) ✓ if domestic assault

CTY ATTY. FILE NO. 730108

CONTROLLING AGENCY 062013A

CONTROL NO. 95730108

COURT FILE NO.

DATE FILED

Tab Charge Previously Filed

Amended

SERIOUS FELONY

FELONY

GROSS MISDM DWI

X GROSS MISDM

X SUMMONS

WARRANT

ORDER OF DETENTION

State of Minnesota

VS. *PLAINTIFF,*

NAME: first, middle, last

FLORIAN CHMIELEWSKI, SR.
Rt. 1, Box 388

Sturgeon Lake, MN 55783

Date of Birth

02/10/27

BJIS COMPLAINT NUMBER RAMSEY COUNTY

62-11-2-093869

DEFENDANT.

COMPLAINT

Your Complainant, being first duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that the Defendant committed the following offense(s). The complainant states that the following facts establish PROBABLE CAUSE:

Your complainant is Ralph Neumann, an investigator with the Ramsey County Attorney's Office, who has reviewed the reports prepared by investigators of that same agency and now believes the following to be true:

SEE ATTACHMENT

COMPLAINT SUPPLEMENT

CT	LIST CHARGE STATUTES ONLY	U.O.C	GOC

SJIS COMPLAINT NUMBER(S)
62-11-2-093869

COUNT I

Between December 5, 1992 and June 30, 1994, in Ramsey County, Minnesota, defendant **FLORIAN CHMIELEWSKI**, did wrongfully, unlawfully and while a public officer, fail to perform a mandatory, nondiscretionary ministerial duty of his office in the manner required by law by failing to properly supervise the use of the telephone access numbers issued by the State of Minnesota by members of his family.

Said acts constituting the offense of **MISCONDUCT OF A PUBLIC OFFICER** in violation of Minnesota Statute §609.43
Maximum sentence: 1 year/$3,000, or both

THEREFORE, Complainant requests that said Defendant, subject to bail or conditions of release be:
(1) arrested or that other lawful steps be taken to obtain defendant's appearance in court; or
(2) detained, if already in custody, pending further proceedings;
and that said Defendant otherwise be dealt with according to law.

COMPLAINANT'S NAME:

RALPH NEUMANN

COMPLAINANT'S SIGNATURE:

Being duly authorized to prosecute the offense(s) charged, I hereby approve this Complaint.

DATE:

December 5, 1995

PROSECUTING ATTORNEY'S SIGNATURE:

NAME/TITLE:

CHARLES M. BALCK
Assistant Ramsey County Attorney

ADDRESS/TELEPHONE:

50 West Kellogg Boulevard, #315

This COMPLAINT was subscribed and sworn to before the undersigned this day of

NAME: SIGNATURE:

TITLE:

FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant (s) arrest or other lawful steps be taken to obtain Defendant (s) appearance in Court, or his detention, if already in custody, pending further proceedings. The Defendant (s) is/are charged with the above-stated offense.

SUMMONS

☒ THEREFORE, You, THE ABOVE NAMED DEFENDANT (S), ARE HEREBY SUMMONED to appear on the 5th day of December , 19 95 at 1:30 AM/PM before the above named court at to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

WARRANT

☐ EXECUTE IN MINNESOTA ONLY

☐ To the sheriff of the above named county, or other person authorized to execute this WARRANT, I hereby order, in the name of the State of Minnesota, that the above-named Defendant (s) be apprehended and arrested without delay and brought promptly before the above-named Court (if in session, and if not, before a Judge or Judicial Officer of such Court without unnecessary delay and in any event not later than 36 hours after the arrest or as soon thereafter as such Judge or Judicial Officer is available) to be dealt with according to law.

ORDER OF DETENTION

☐ Since the above-named Defendant (s) is/are already in custody, I hereby order; subject to bail or conditions of release, that the above-named Defendant (s) continue to be detained pending further proceedings.

Bail:

Conditions of Release:

This COMPLAINT, SUMMONS, [redacted] duly subscribed and sworn to, issued by the undersigned Judicial Officer this day of

NAME: SIGNATURE:

TITLE:

Sworn testimony has been given before the Judicial Officer, by the following witnesses:

STATE OF MINNESOTA COUNTY OF RAMSEY

State of Minnesota

Plaintiff,

vs.

FLORIAN CHMIELEWSKI, SR.

Defendant

Clerk's Signature or File Stamp:

RETURN OF SERVICE

I hereby Certify and Return that I have served a copy of this COMPLAINT - SUMMONS, [redacted] upon the Defendant (s) herein named.

The Ramsey County Attorney's Office was involved in the investigation of alleged fraudulent charges made to the Minnesota Senate telephone system since March 1993.

The Senate telephone system was set up by the Legislature to provide telephone services for elected members of the Minnesota Senate and staff. The Minnesota House of Representatives had a somewhat similar but separate telephone system, with a shared 1-800 telephone number. Prior to May 1, 1991, entry into the Senate telephone system came by way of a telephone call to a State of Minnesota operator. When the operator answered, the caller was required to identify who he or she was or from what senator's office the call was being made. The operator then gave the caller access to an open line and the person completed the call. This procedure was changed after April 30, 1991, by establishing a numbered code system whereby the caller dialed an access code and the telephone number he or she wanted, without the services of an operator. In August of 1992, the system was changed and the Minnesota Senate set up a separate 1-800 telephone number and replaced the six digit access code with a three digit barrier code.

Telephone records generated by the Senate telephone system during 1991, 1992, 1993, and 1994 included an origination record and a computer billing record. The origination record showed the date, the connect time, the length of the telephone call and the number of the telephone from where the call was placed. The computer billing record showed the date, the connect time, length of the telephone call, the telephone number called, the city where the called number was located, and the charge to the Senate for the telephone call.

While inspecting the Senate telephone records, I noticed telephone numbers 612-783-1606 and 612-420-8738 were sources for several hundred telephone calls made and charged to the Senate telephone system from December, 1991 through March 1993. According to U.S. West Communications, 612-783-1606 was the telephone number for "The Gambler", 740 East Highway 10, Blaine, Minnesota. The subscriber to telephone number 612-420-8738 was Pat Chmielewski, Maple Grove, Minnesota. Pat Chmielewski is Jeffrey Chmielewski's mother.

State of Minnesota records showed that "The Gambler, L.J." had been registered as an assumed name on December 12, 1991. The two owners were Jeffrey Chmielewski and Loran Dolash. Jeffrey Chmielewski is the son of Florian Chmielewski, Sr., a senator in the Minnesota Senate since 1970.

On October 10, 1994, Investigator Jerry McNiff and I interviewed Jeffrey Chmielewski at his place of business, Casino Games International, Inc., 2735 Cheshire Lane, Plymouth, Minnesota. I told him I had been inspecting telephone records for the Minnesota Senate for several months and had noticed that numerous telephone calls had been made from telephone number 612-

420-8738 and charged to the Senate telephone system. I asked him if he could explain this. He said that telephone number 612-420-8738 was his home telephone number, but he had no idea how the Senate could have been charged for his telephone calls or who was responsible for it. McNiff asked him if his father, Florian Chmielewski, Sr., had used his telephone for Senate business and charged it on the Senate telephone system. Chmielewski said he did not believe that was what happened. In response to various questions about how calls charged to the Senate had originated from his home telephone, Chmielewski continued to respond by saying he didn't know.

I asked Chmielewski if he had ever charged telephone calls from his current business Casino Games International, Inc., to the Senate telephone system. He said he had never done so. I asked him if he had ever used the Senate telephone system to charge calls for any kind of business with which he had been involved. He said no.

I told Chmielewski that Senate telephone records showed many telephone calls had been made from a business known as "The Gambler." I asked him if he had any connection with that business. He said he had been involved in "The Gambler" with a man named Loran Dolash. I asked him if he could explain how several hundred telephone calls from "The Gambler" had been charged to the Senate telephone system. He said he didn't know. I asked him if he had made those telephone calls and used his father's Senate telephone access code. He said he couldn't remember. McNiff asked him if his father had made the calls from "The Gambler." He said he didn't think so. When asked if his partner, Loran Dolash, had made the calls, he said he might have, but he wasn't sure.

I told Chmielewski that Senate telephone records showed many of "The Gambler" telephone calls went to various slot machine businesses in Reno and Las Vegas, Nevada, Pleasantville, New Jersey,and West Bend, Wisconsin. He said "The Gambler" was a business involved in buying and selling used slot machines and that he had called such slot machine businesses as Money Machine, JNT Slots and A.C. Coin and Slots in New Jersey. However, he said he could not explain how telephone calls to such places had been charged to the Senate telephone system.

I asked Chmielewski if he had stayed in Denver, Colorado, in March, 1992. He said he believed he was there with the Chmielewski polka band at that time. I told him that Senate telephone records showed over 60 telephone calls were made from the Denver area, many of them to places he said he had called such as the Money Machine and JNT Slots. He said he did not make the calls and did not know who did, but he knew that his father would not have made the calls.

I told Chmielewski Senate telephone records showed over 35 telephone calls were made from the Sheraton Hotel in Mesa, Arizona, in January 1992. He said he and the Chmielewski polka band were in Mesa about that time but he didn't remember making any telephone calls.

I asked him if his father had used the Senate telephone system to promote "The Gambler" business. He said he didn't think so. He said his father was a very straight-laced person and an upstanding individual who would never do anything like that. His father was never involved with "The Gambler" or his current slot machine business.

After numerous denials about not knowing who had made the telephone calls from his home, "The Gambler", Denver, Colorado, Mesa, Arizona, and other places, to various slot machine businesses, Chmielewski admitted that he had made the telephone calls from his home and "The Gambler" and other places and charged them to the Senate telephone system.

Chmielewski said he copied the access code for the Senate telephone system when he saw it laying on a table in his home during a time his father was visiting him. He said his father did not give him the access code and he did not believe his father knew he was charging "Gambler" business telephone calls and calls from his home and other places to the Senate telephone system. He said his father would not have condoned his actions.

Chmielewski said he knew his father had an access code for the Senate telephone system because he had observed his father make Senate business calls.

When he first started charging telephone calls to the Senate telephone system, Chmielewski said he dialed the access code and an operator answered the telephone. He would tell the operator he was calling from Senator Chmielewski's office, a procedure he had learned from listening to his father make calls. The operator would then connect him with the number he wanted. He continued to do this until the operator system was changed.

NOTE:

Senate telephone records show the telephone operator system was not used after April 30, 1991, which indicates that Jeffrey Chmielewski was using the Senate telephone system at least since that date. Telephone records also show that telephone calls were charged to the Senate telephone system from Chmielewski's home telephone and "The Gambler" telephone as late as March, 1993. The Senate began using a barrier code in August 1992, and this barrier code was changed in January 1993. Jeffrey Chmielewski had obtained the access or barrier codes for the Senate Telephone system at least three times based on the calls identified.

McNiff asked Chmielewski if he felt he had a right to use the access code and charge telephone calls to the Senate. He said he felt he had a right to do it because "a lot of us feel violated by the government" and that the government lied to citizens and did not treat them fairly.

Chmielewski said he used the Senate telephone system to make his business calls because he was very hard up for money

when he started his slot machine business. He said that by charging his telephone calls to the Senate, he eliminated a big expense he could not really afford at the time.

Chmielewski related that what he had done by charging his business telephone calls to the Senate was in the nature of something involving "theft by services." He said he was the only one responsible for telephone calls from his home and "The Gambler" that were charged to the Senate telephone system.

During a telephone conversation on October 19, 1994, Chmielewski told me he had also made Gambler-related business calls from his father's Sturgeon Lake home to Nevada and charged them to the Senate telephone system. He said his father did not know about these calls.

Chmielewski said that he was responsible for whatever calls went to Las Vegas and Reno from his home telephone and "The Gambler" telephone. He was also responsible for calls charged to the Senate telephone system from Denver, Colorado, and Mesa, Arizona.

According to Bonnie Plummer, Administration Department, the Senate access code was changed periodically. One of the changes made was effective August 1, 1992. In addition to the change in the access code, a "barrier " code also was added.

Senate telephone records show that on August 3, 1992, a telephone call, charged to the Senate telephone system, was made from "The Gambler." This suggests that Jeffrey Chmielewski obtained the new access code from someone, less than three days after it had been changed. Records show that on January 7 1993 telephone calls charged to the Senate telephone system were made from "The Gambler."

During an interview on November 16, 1994, Loran Dolash told Jerry McNiff and me that from late 1990 to August, 1993, he and Jeffrey Chmielewski each were fifty percent owners of a business called "The Gambler, L.J." According to Dolash, the business involved the buying, repairing and selling of used slot machines. Dolash said he did the "technical" work and Chmielewski was involved with the telephoning and sales work. "The Gambler" was originally located at Har Mar Mall in Roseville, Minnesota, and later moved to North Port Commons, 740 Highway 10, Blaine, Minnesota, from December, 1991 to August, 1993.

Dolash told me that during 1991, 1992, and 1993, Jeffrey Chmielewski did all the telephoning from "The Gambler" in arranging slot machine deals. He called throughout the country to various slot machine dealers, particularly to Las Vegas and Reno, Nevada. Dolash told me Chmielewski used an "access code" for many of these telephone calls which allowed him to gain entry into the Minnesota Senate telephone system and charge "The Gambler" telephone calls to the State of Minnesota. Dolash knew that Chmielewski was using the Senate "access code" because Chmielewski told Dolash he had it and was using it.

Dolash said Chmielewski got this "access code" somehow through his father, Florian Chmielewski, Sr., who is a Minnesota senator. Dolash related that he never knew what the access code was. He said any telephone calls made from "The Gambler" phone number 783-1606 and charged to the Senate telephone system, were made by Jeffrey Chmielewski.

Dolash did not know if Florian Chmielewski, Sr. knew his son Jeffrey had the Senate access code and was using it for "The Gambler" business.

Dolash told me that Jeffrey Chmielewski was not reluctant to mention that his father was a senator. When a legislator named Charlie Berg introduced legislation to outlaw private ownership of slot machines, Dolash said Chmielewski told him he asked his father to do what he could to defeat the legislation.

While he was with "The Gambler", Dolash related that Chmielewski made numerous telephone calls to slot machine businesses such as the Money Machine, Reno, JNT Slots, Las Vegas, A.C. Coin and Slots, Pleasantville, New Jersey, Almond Enterprises and Videotronics, Reno, and Universal Gaming, Bally Games, C.J. Slot Connection, and John Rolofson, the owner of JNT Slots, all in Las Vegas, Nevada.

On December 7, 1994, Jerry McNiff and I interviewed Florian Chmielewski, Sr. He told us he had been a Minnesota senator continuously since 1970. Jeffrey Chmielewski is his son. In addition to his senatorial duties he did some farming and was an active member of the Chmielewski polka band. He said the band played about 100 dates a year.

I asked Senator Chmielewski if he was aware that I had interviewed his son in September, 1994, about telephone calls that had been made from "The Gambler" and charged to the Senate telephone system. He said he knew about it. He learned that his son had used the Senate telephone system for "Gambler" related business shortly after I had interviewed him. Senator Chmielewski said Jeffrey had admitted to him then that he had charged telephone calls to the Senate telephone system to advance his Gambler business. When Jeffrey admitted what he had done, Senator Chmielewski said he "was flabbergasted." He said he had no idea Jeffrey was using the Senate telephone system until he admitted it to him. He said he hated gambling and he despised "the fact that gambling is a part of state policy today."

NOTE:

A.C. Coin and Slot Co., Pleasantville, New Jersey, is one of the slot machine dealers which Jeffrey Chmielewski telephoned and charged to the Senate telephone system. During telephone calls in March and April, 1995, Jane Sessa, office manager for A.C. Coin and Slot Co., told me that Jeffrey Chmielewski is a customer of her company. Included in her business records is a fax to Jeff Chmielewski c/o The Gambler, dated December 23, 1991, wherein A.C. Coin and Slot Co. requested documentation from the State of Minnesota or information from

legal source stating you are legally licensed to be a dealer of slot machines." On December 26, 1991, a letter was sent on State of Minnesota Senate letterhead, to A.C. Coin & Slot Co. stating, "In response to your concerns, The Gambler L.J. a limited partnership located at 740 Highway 10 N.E., Blaine, Mn., is an accepted and recognized distributor of used gambling equipment and are (sic) in full accordance with all state and federal laws governing such business. They are fully licensed and registered according to the Minnesota Gaming Enforcement Division. You may feel free to engage in any business transactions at this time." The letter is signed "Florian C. Chmielewski, President - Minnesota Senate."

Senator Chmielewski said that although his son admitted charging telephone calls to the Senate telephone system, Jeffrey did not tell him how long he had done it or how he had obtained the Senate telephone access code. Senator Chmielewski said he did not give the access code to his son, Jeffrey. When I questioned him about why he had not asked Jeffrey how he had gotten the code, Senator Chmielewski said "No, I didn't ask him --- he doesn't like to discuss this because this is something that is not a very positive aspect to discuss, so he's very quiet about the whole issue."

Senator Chmielewski said he often stayed at his children's home when he was in the St. Paul-Minneapolis area. During 1991 and 1992 he mostly stayed at his daughter, Patricia Devitt's, home in Bloomington or his son, Mark's, home in Brooklyn Center. He said he stayed "very sparingly at Jeff's" and did not believe he stayed at "Jr.'s house at all." He said he made many Senate business telephone calls from his children's homes, which he charged to the Senate telephone system.

Senator Chmielewski told me that the only persons in his family who had the Senate access code were his wife, his son, Mark, and his daughter, Patricia Devitt. The reason they had the access code was so they could call him and relay Senate business messages. He traveled extensively on Senate business, had a large district with over 70,000 constituents, and he received numerous telephone calls on a daily basis at his home in Sturgeon Lake, Minnesota. He said he was usually gone from home about six days a week.

Senator Chmielewski said he believed the Senate telephone system was to be used to serve his 70,000 constituents. When I asked him if he could charge personal calls he said, "Absolutely not. I don't know of any personal calls that I would make." He said he would call his home but that was to get constituent calls. When I asked him if he ever used the Senate telephone system to book band dates, he said, "Not ever."

Senator Chmielewski said he was sure that his daughter, Patricia Devitt, and his son, Mark, also understood that the Senate telephone system was to be used only for Senate business.

Senator Chmielewski stated that he knew Jeffrey was a partner in "The Gambler" with a man named Loran Dolash. He said he visited "The Gambler" only one time as a courtesy to his son, Jeffrey. Senator Chmielewski said "I didn't make any calls to any gambling establishments, ever."

When I asked Senator Chmielewski if the Senate telephone calls made from his son, Florian's, home were made by him, he said "Were mine absolutely." When I asked him if all the Senate calls made from Mark's home phone were for Senate business, he said "Absolutely", whether they were made by him or Mark. He also said that all the calls made from Patty's home telephone were for Senate business.

I asked Senator Chmielewski if he had been in Mesa, Arizona, in January, 1992 and Denver, Colorado in March, 1992. He said he was in those places for Chmielewski band appearances. He said the only family member he could remember for sure who was there was Jeffrey. I told him that telephone records show 36 calls were made from the Mesa, Arizona area and over 60 calls from the Denver area, all charged to the Senate telephone system. I told Senator Chmielewski I had identified some of the Mesa, Arizona call destinations. Seven went to his home phone in Sturgeon Lake, Minnesota, four went to Jeff's home phone in Maple Grove, Minnesota, one went to Jeff's girl friend's home phone in Maple Grove, three went to Mark's home phone in Brooklyn Center, six went to "The Gambler" in Minneapolis, two went to Reno slot machine dealers, one went to the home of Florian Chmielewski Jr.'s mother-in-law in Anoka and one went to Elk River, Minnesota. Senator Chmielewski said "I'll claim the Sturgeon Lakes ones." When I asked him about the others, he said "No, certainly not."

Senator Chmielewski said he was also with the Chmielewski band in Las Vegas, Nevada, in February, 1992, when the band played at the ballroom in the Hacienda Hotel and Casino. At least 16 calls were made from the four rooms the Chmielewski's rented at the Hacienda Hotel and Casino. All were charged to the Senate telephone system.

I told Senator Chmielewski that one of the calls went to Patricia Devitt's home phone in Bloomington, Minnesota. He said "That would be me." I also told him two calls went to Florian, Jr.'s home phone in Maple Grove and another call went to Robert Granda, New Hope, Minnesota. I asked him if Robert Granda was a constituent of his. He said, "Well, he's a constituent. Everyone in the whole state is a constituent of mine." He said he thought Granda might be the "one that runs a day care center."

NOTE:

During a telephone call on January 5, 1995, Robert Granda told me he could not remember receiving any telephone calls from Senator Chmielewski or Jeffrey Chmielewski in February, 1992, when they were in Las Vegas. He told me he was Mark Chmielewski's brother-in-law. His wife and Mark's wife are sisters.

I told Senator Chmielewski that Senate telephone records showed 102 calls were made to his Sturgeon Lake home during July, 1992, 79 of them from the homes of his four children in the Twin Cities area and from "The Gambler." Twenty three of the calls were made on July 17 and 18, 1992. I asked him if this was an unusual amount of telephone calls to his home. He said this was by no means unusual and went on to relate "I'm telling you the number of telephone calls that come to my home are a lot more than what you've got on that sheet of paper." He said his "life was surrounded around four kids in town and my Senate work." He said the calls from Patty's home were calls to make Senate appointments. In regard to the calls from Florian, Jr.'s home, he said "Certainly, I could be there (making the calls)." He said he made many calls, because he was "probably home one day a week." He told me that when he stopped at his children's homes the first thing he would do was use the telephone for Senate business calls. He went on to relate that "I am the most visible person in the legislature, by far. There's nobody who would ever begin to compare. I can walk down the street in any town in this state and I'm going to get stopped because they know me all over the state." Senator Chmielewski said that kind of recognition was what generated a huge amount of telephone calls to him.

I told Senator Chmielewski that the Senate access code was changed effective August 1, 1992 and that within a few days after, telephone calls were made from Jeffrey's home phone. He said the explanation for that was if he was in town, he would go from home to home making Senate business calls.

I told Senator Chmielewski that some Senate telephone calls had been made from Mark's home phone to North Pole, Alaska. I asked him if he knew anybody there. He replied, "I'm not aware of any one." McNiff asked him if he ever called there. He said "I didn't recognize it. I'm not sure."

NOTE:

Senate telephone records show that from February 23, 1992 to March 8, 1993, twelve telephone calls were made from Mark Chmielewski's home phone to North Pole, Alaska, 907-488-1318, ranging in duration from one minute to 75 minutes. Senate telephone records also show that a telephone call was made from 612-434-4534 to the same telephone number in North Pole Alaska. 612-434-4534 is the telephone number for Richard and Leona Jurek, Soderville, Minnesota. During a telephone call on January 30, 1995, Leona Jurek told me she knows Senator Florian Chmielewski, Sr. His son Mark is married to her sister, Gena. Also, Senator Chmielewski is related to her husband. Mrs. Jurek told me that Senator Chmielewski has visited her home in Soderville on occasion.

I told Mrs. Jurek that a telephone call had been made from her home to someone in North Pole, Alaska, in December, 1992. I told her the telephone call had been charged to the Minnesota Senate telephone system. I asked her if anyone connected to the Minnesota Senate would have made calls from her

home phone to North Pole, Alaska. Mrs. Jurek said, "Well it could have been Florian Chmielewski." When I asked her if she could think of anybody else it might be besides Florian Chmielewski who had made the telephone call to North Pole, she said, "No."

I asked Senator Chmielewski if he knew someone named Marylou Harrison in Duluth, Minnesota. He said she was his wife's sister. I told him Senate telephone records showed several calls from Harrison's home phone in Duluth to Vacaville, California and Dayton, Ohio. He said his wife's sister lived in Vacaville, but he did not know anything about calls to Dayton, Ohio. He said "I can assume that the ones (telephone calls) to Vacaville were about the estate of the deceased, probably." He indicated that one of his in-laws had died. When I asked him who made those calls, he said "I would have, most likely."

On December 7, 1994, I interviewed Patricia Devitt about telephone calls made from her home in 1991 and 1992 and charged to the Senate telephone system. She said her father was Florian Chmielewski., Sr., a Minnesota senator. She said she had worked for him for years, helping him with his Senate business. She said her father lived with her part time when the Senate was in session. Her work for her father included typing, scheduling appointments and appearances, receiving telephone calls, and telephoning his home in Sturgeon Lake for messages.

Mrs. Devitt said her father visited her home often, especially when the Senate was in session. He made many telephone calls from her home while he was there. She said she also had the Senate access code given to her by her father because she made numerous calls on behalf of her father's Senate business. She made many calls to her father's home in Sturgeon Lake.

Mrs. Devitt said she did not know if any of her brothers had the Senate access code.

Mrs. Devitt said she never gave the Senate access code to anyone at anytime. In response to my question, she said her husband, Scott Devitt, did not know the Senate access code. She said she never used the Senate access code to make personal calls.

I told Mrs. Devitt the Senate telephone records showed that in addition to telephone calls from her home, 28 calls had been charged to the Senate telephone system from the Ceridian Corporation from December, 1991 through May, 1992. She said she had made those telephone calls. She worked at the Ceridian Corporation during that time. She said these calls were Senate business related, because she called for messages for her father while she was at work. Some of the telephone calls she made from Ceridian Corporation were over an hour in length. When I asked Mrs. Devitt what her employer thought about her making lengthy telephone calls while she was at work, she replied "Obviously

nothing. I don't know. Like I said, it all weighed itself out --- didn't seem to be a problem."

I told Mrs. Devitt that several calls charged to the Senate were made from pay phones in the University of Minnesota area to her home phone. Devitt said she made these calls also. She said "I frequently would drive my husband to school and then just quick call home and, you know, and check my messages." She said her father often left messages on her home answering services.

Senate telephone records show that several telephone calls were made from telephone number 617-921-6411, the private number for Scott Devitt at the Ceridian Corporation. I asked Mrs. Devitt who had made those calls. She said she made the calls. It was a common practice of hers to go to her husband's office and use his telephone. She said they worked in different buildings, but his office was just across a parking lot from hers.

Two telephone calls were made from her home phone to Vancouver, British Columbia, in May, 1992 and charged to the Senate. The calls lasted 37 minutes and 74 minutes. I asked her who had made these calls. She said her father had made them at her request. A couple in Vancouver wanted to move to Minnesota and needed some information about homestead taxes. She said the people in Vancouver were her husband's brother, Mark Devitt, and his wife.

Sometime after the interview with Patricia Devitt, I learned from the Senate records that two other telephone calls had been made to her in-laws in Vancouver, British Columbia. One was made at 9:24 p.m. on Christmas Eve, 1992 from the home phone of Maurice J. Devitt, Richfield, Minnesota. Maurice J. Devitt is Patricia Devitt's father-in-law. The other call to Vancouver was made from Patricia Devitt's home phone on March 7, 1993 and lasted for two hours and 29 minutes. The four telephone calls made to the Devitts in British Columbia and charged to the Senate telephone system totaled over $100.00.

During the investigation, I telephoned the Vancouver, British Columbia telephone number and talked to a woman who answered the phone. She would not identify herself and would not give me any information. At her request, I sent a letter to the woman's home in British Columbia, asking for information about the calls from Mrs. Devitt's home phone to her home. She never responded to my letter or to other telephone messages I left on her answering machine.

RESULTS OF THE INVESTIGATION

During the interview with Jeffrey Chmielewski on October 10, 1994, he told me that he had been charging his Gambler and other calls to the Senate telephone system prior to May 1, 1991, when the Senate discontinued the operator system and initiated use of an access code. The records for December, 1991 through February 29, 1992 show that 280 telephone calls were made from

"The Gambler" business telephone and Chmielewski's home telephone in Maple Grove, Minnesota. The records also show that some of these calls were made to slot machine businesses in Las Vegas and Reno, Nevada, Tuckertown and Pleasantville, New Jersey, Keshena, Green Bay, and West Bend, Wisconsin, and Senator Chmielewski's home in Sturgeon Lake. There were another 24 telephone calls made from the Sheraton Hotel in Mesa, Arizona, and the Hacienda Hotel in Las Vegas, Nevada, while the Chmielewski band was staying and playing in those two states. These 24 calls went to: slot machine businesses in Reno and Las Vegas, Nevada; "The Gambler"; Jeffrey Chmielewski's home; his girl friend's home; a building contractor in Brooklyn Park who sold a home in Maple Grove to Jeffrey Chmielewski; Loran Dolash, his partner.

In addition to these 304 calls, from March 18, 1992 through August 31, 1992, Senate telephone records show another 257 telephone calls and charges were made from: Jeffrey Chmielewski's home phone, his cellular phone and his fax machine; "The Gambler" business phone; the Denver, Colorado, area while the Chmielewski band was staying at the Motel 6 in Wheat Ridge, Colorado; Nebraska and Wyoming, while the Chmielewski band was going to and staying at the Best Western Motel in Rock Springs, Wyoming; the Denver, Colorado, area while the Chmielewskis were staying at the Super 8 Motel in Brighton, Colorado.

The 257 telephone calls and the amounts charged to Senate telephone systems are summarized, as follows:

When I interviewed Jeffrey Chmielewski on October 10, 1994, he told me he was in Mesa, Arizona, in January, 1992, and in the Denver area in March, 1992, both times with the Chmielewski band. Senator Chmielewski also verified that the band was in Arizona and Colorado in January and March 1992 and at the Hacienda Hotel and Casino in Las Vegas, Nevada, in February, 1992. Motel records show that the Chmielewski band was in York, Nebraska, in April, 1992, in Rock Springs, Wyoming, in May, 1992, and in Brighton, Colorado, in June 1992.

Many of the telephone calls from the "The Gambler" and Jeffrey Chmielewski's home phone went to slot machine or gaming device businesses as follows:

Bally Games, Las Vegas, NV
Allied Games, Beloit, WI
Money Machine, Reno, NV
Almond Enterprises, Reno, NV
Lester Hahn, West Bend, WI
J.B. Ventures, Green Bay, WI
J.N.T. Slots, Las Vegas, NV
Eastern Gaming, Tuckertown, NJ
C.J. Slots, Las Vegas, NV
Videotronics, Reno, NV
A.C. Coin and Slots, Pleasantville, NJ
Hacienda Hotel & Casino, Las Vegas, NV
Rio Suites Hotel & Casino, Las Vegas, NV
Universal Gaming Co., Las Vegas, NV

Tribal Development Corp., Green Bay, WI
L&L Tribal Co., Keshena, WI

Senate records show that at least seven calls went to New Ulm, Minnesota, 507-389-9785. During telephone conversations on November 2, 1994 and January 3, 1995, Mrs. Marv Nissel told me she knew Jeffrey Chmielewski and other members of the Chmielewski family because their band and her band had played at polka festivals together. When I asked her why Jeffrey Chmielewski would have called her, she said she assumed it was about polka bands because "we are a band and they are a polka band."

Telephone calls also went to Cloquet, Minnesota, 218-879-6642, the home of Loren Lindevig. During a telephone conversation on December 27, 1994, Mr. Lindevig told me he has known the Chmielewski family for many years. He has played accordian for the Chmielewski band on a number of occasions. He said the telephone calls could have been about band dates.

Other telephone calls charged to the Senate telephone system included:

1. Calls to Senator Chmielewski's home in Sturgeon Lake, Minnesota,

2. Calls to Jennifer Griep, 420-3453, Maple Grove, Minnesota.

   During a telephone conversation on December 12, 1994, Ms. Griep said Jeffrey Chmielewski was her boyfriend for seven years until they broke up in 1994. She said she stayed at Jeff's home in Maple Grove occasionally. He traveled frequently with the band and also for his slot machine business. He called her from out of town both at his home in Maple Grove, 420-8738, and her home in Maple Grove, 420-3453. He also made telephone calls from her home. She said if any any calls were made to or from her home and charged to the Senate telephone system, Jeffrey Chmielewski made them.

3. Calls to Fidelity Freight Forwarding, 552-1900, Minneapolis, St. Paul, Minnesota.

   During a telephone conversation on November 22, 1994, Dick Caffenberg told me he was one of the owners of Fidelity Freight Forwarding. Jeffrey Chmielewski had been a customer of his for four years. They transported slot machines for him, mostly from Reno and Las Vegas, Nevada.

4. Telephone call to Sexter Realty, 545-6428, Crystal, Minnesota, from Colorado, 303-422-9907.

On January 9, 1995, Donald Sexter told me he sold an apartment building to Jeffrey Chmielewski. Chmielewski said he needed the apartment building for a "tax write-off." Sexter said any telephone calls from Chmielewski to Sexter Realty or him were related to real estate transactions.

5. Telephone calls to and from Duane Warchol, 778-1185.

During a telephone conversation on February 25, 1995, I told Warchol several telephone calls to and from his home phone had been charged to the Senate telephone system in 1992. Warchol said he had been a member of Senator Chmielewski's polka band for over seven years. He said Senator Chmielewski telephoned him for polka band related purposes as did Jeffrey and Mark Chmielewski. In addition, Senator Chmielewski as well as Jeffrey, Mark, and Florian, Jr. used his home telephone on occasion, when they came to pick him up for a band job. When I asked him if he could think of anyone else who might have used his home phone and charged it to the Senate telephone system, he said, "No, not at all." Warchol went on to say "I'm not into politics. If Florian was to call me from somewhere, it would be for a playing job, that's it."

Other telephone calls were made to Canada, Florida, Michigan, North Dakota, South Dakota, Texas, Iowa, and Illinois.

Senate telephone records show that another 342 calls and charges were made from Jeffrey Chmielewski's home phone and fax machine and "The Gambler" business phones and fax machine from September, 1992 to April, 1993.

THE ACCESS CODE

Senator Chmielewski told me that the only persons in his family who had the Senate telephone system access code were he, his wife, his daughter, Patricia Devitt, and his son, Mark Chmielewski. As described earlier in this complaint, Jeffrey Chmielewski said he obtained the access code surreptitiously, when he saw it written on a piece of paper on a table in his home. The investigation revealed that in addition to these five persons, other individuals used the Senate access code:

1. Loran Dolash. Jeffrey Chmielewski's partner in "The Gambler" business used it to call his mother, his brother and his brother-in-law from at least June, 1992 to March 1993. The calls were made from his home phone numbers 785-1452 and 785-1458. I

found no record of any telephone calls from "The Gambler" phone to his relatives. During a second interview on January 3, 1995, and a telephone conversation on February 23, 1995, Dolash admitted he used the Senate access code to place telephone calls to relatives in Toledo and Cedar Rapids, Iowa, and Amery, Wisconsin. Dolash said he never used the access code to make Gambler business calls and never made any calls from "The Gambler" telephone for any purpose.

Dolash told me that Jeffrey Chmielewski first gave him the Senate access code sometime in June or July, 1991. Jeffrey told him it was his father's access code for the Senate telephone system, but Jeffrey never told him where or how he got the number. Jeffrey said he could use the access code to "save on phone bills."

Dolash said Jeffrey Chmielewski gave him the Senate access code a second time, probably in early August, 1992, when the access code was changed. Jeffrey said something such as "Here's the new number."

Senate telephone records show that the first telephone call from Dolash's home phone, after the access code was changed, was August 6, 1992. The records also show that over 160 telephone calls were made by Dolash from his home phones from July, 1992, to March, 1993.

2. Florian Chmielewski, Jr. Steve Peterson, Elk River, Minnesota, told me that he and "Jr." Chmielewski had worked as "sheet rockers" on a number of occasions in past years. He said "Jr." Chmielewski had called him several times to discuss sheet rock jobs. The only Chmielewski he knew or ever talked to was "Jr."

Senate telephone records show that three telephone calls from Mesa, Arizona, and one from Las Vegas, were made to Peterson's home phone in Elk River at the time the Chmielewski band was staying in those cities.

3. Scott Devitt. During my interview with her on December 7, 1994, Patricia Devitt told me her husband Scott did not know the Senate access code. Senator Chmielewski also told me he didn't think Scott Devitt knew the access code.

Information I obtained from the Ceridian Corporation revealed that both Patricia and Scott Devitt worked for that corporation in 1991 and 1992. They each had a Ceridian business phone number. Scott's was 921-6411 and Patricia's was 853-5709. When I asked Mrs. Devitt who had made the telephone calls from Scott's phone which show up on the Senate telephone records, she said she had gone to his office and made Senate related business calls from his phone. She told me she worked in a building just across the parking lot from where Scott worked.

According to the Ceridian Corporation personnel department, Scott and Patricia Devitt worked in buildings that were five miles apart. Personnel records show that Patricia Devitt went on disability leave on July 2, 1992, until Ceridian terminated her employment on February 16, 1993.

Senate telephone records show that telephone calls to Buy Rite, a mail order house in New York, Camera World of Portland, Oregon, New York directory assistance, and Senator Chmielewski's home phone in Sturgeon Lake, Minnesota, were made from Scott Devitt's private phone at Ceridian Corporation, in July, 1992. Twelve calls were made from Scott Devitt's Ceridian phone to Senator Chmielewski's home phone in Sturgeon Lake from December, 1992 through March, 1993. Also, four calls were made from Senator Chmielewski's home phone in Sturgeon Lake to Scott Devitt's phone at Ceridian in March and April, 1993.

4. Marylou Harrison When I asked Senator Chmielewski if his sister-in-law, Marylou Harrison, had the Senate access code, he said, "Absolutely not." According to the Senate telephone records, 70 telephone calls were made from Harrison's home phone in Duluth to Vacaville, California, Dayton, Ohio and Menomonie Falls and Waukesha, Wisconsin, from January, 1992 through March, 1993.

I telephoned Mrs. Harrison on December 7, 1994 and interviewed her on March 23, 1995. During the interview Marylou Harrison told me that she first got the Senate access code from her sister, Pat, who is married to Senator Florian Chmielewski, Sr., around December, 1990. Pat Chmielewski gave her the access code so Marylou could call "to report on mom", who was seriously ill at the time. According to Marylou, her sister gave her the access code "so

I wouldn't have to pay for" the telephone calls she made to Pat Chmielewski's home in Sturgeon Lake when she called her about their mother's illness. When her sister gave her the access code, she told Mrs. Harrison that it was a code to get into the Senate telephone system so she could call her without charge. Her sister gave her the code at her home in Duluth.

After her mother died in April, 1991, Mrs. Harrison used the Senate access code to call another sister in Vacaville, California, two sons in Dayton, Ohio, and cousins in Menomonie Falls and Waukesha, Wisconsin. Mrs. Harrison told me, "Well, she had mentioned once, Pat did, that you could use it for out of state or something. She didn't tell me to. She just had mentioned it so I just figured it was all right." Mrs. Harrison said she did not believe her sister Pat or Senator Chmielewski knew she had used the Senate access code to call California, Ohio, or Wisconsin.

I asked Mrs. Harrison how she got the new access code in August, 1992. She said that her sister Pat must have offered it to her because, "I never ever asked for it." She said she got it the "second time, probably by telephone, from Pat."

Mrs. Harrison told me that Senator Chmielewski telephoned her the day after I called her on December 7, 1994. She told me Senator Chmielewski said "We're going to have to come up with the numbers I called -- the Senate or what the phone numbers were for." When I asked Mrs. Harrison what he meant by 'come up with something', she answered, "Probably that's the reason why -- well it had to do with business from -- for the Capitol or something like that. And if we don't come up with the reason why I called -- it had to be for that reason (or) then they would add up all the charges and bill me."

I again asked Mrs. Harrison what Senator Chmielewski meant "by come up with some reason for those telephone calls." She replied, "Well the only reason you're supposed to use that number is for the Capitol. You know for that business." When I asked her if Senator Chmielewski meant she should fabricate some reason for the telephone calls she made on the Senate telephone system, she said "Well, that's how I took it."

Later on in our conversation, I asked Mrs. Harrison if Senator Chmielewski meant for her to tell me some story that the telephone calls she made (to her sons, her sister in Vacaville, California, etc.) were legitimate senate business; she answered "Yeah, there you go."

Mrs. Harrison said that in addition to her sons in Ohio, her sister in Vacaville and some cousins in Wisconsin, she also used the senate access code to call her brother in Mora, Minnesota, and her sister Pat Chmielewski in Sturgeon Lake, Minnesota. She said her sister Pat, "Was the main one" she called.

On April 5, 1995, I interviewed Mrs. Florian Chmielewski, Sr., at her home in rural Sturgeon Lake, Minnesota. She said she has known about and used the Senate telephone system for years to "call Florian" and "relay all his messages." The other persons in her family who knew about the Senate access code were her daughter, "Patty" Devitt and her son Mark Chmielewski. She said she never used the Senate telephone system to make personal calls.

Mrs. Chmielewski said she called her children using the Senate telephone system but only "If Florian was there. I had to call him -- to give him messages." She said "That would be the only reason." She said her daughter "Patty" used the Senate telephone system "Because of the Senate business, she worked for Florian."

I told Mrs. Chmielewski that the Senate records show telephone calls were made from her four children's homes in the Twin Cities area to her home in Sturgeon Lake. When I asked her why Jeff and Florian, Jr. might have made these calls, she said "Maybe they didn't. Florian (Sr.) could have been there and called from there."

I asked Mrs. Chmielewski if she had ever called her sister Marylou Harrison in Duluth, from her home, and used the Senate telephone system. She said, "No. I have no idea really. I don't remember ever calling her." I told Mrs. Chmielewski that Senate telephone records showed some telephone calls from her home phone to Marylou Harrison in Duluth and Terry Stolquist in Mora, Minnesota. Mrs. Chmielewski said Terry Stolquist was her brother. She said Terry's wife Judy works for a doctor's clinic in Mora and these calls were "related to Senate." Judy would call her husband regarding some "doctor business." Mrs. Chmielewski said "Anything she wanted to know about the Senate -- whenever she needed to know any kind of laws or whatever. Then Florian would call Judy and tell her, I guess."

Regarding the calls to Marylou Harrison, she said, "That I don't know. That I don't know -- oh, unless Florian was down there. See my dad didn't have a touch tone phone and Marylou did. So if Florian would -- every time he'd go to Duluth for a meeting he would call me from there or I -- sometimes I would

call down there to him and she'd have to go down to my Dad's house."

In response to my question, Mrs. Chmielewski said she gave the Senate access code to her sister Marylou at a hospital in Duluth, because "-- at the time, she had three heart attacks, my mother had just died and my dad wasn't good and I said if an emergency arises, use this number. Just give me a call. But she never called me. I never had no idea she used it. I never got a call from her."

When I asked Mrs. Chmielewski if she realized that the Senate telephone system was to be used only for Senate purposes she said "Right. But I gave it to her. That I did. I have to say that one."

Mrs. Chmielewski said that her husband did not know she had given the Senate access code to her sister. She "kept it from him cause I -- she never called me. I figured she didn't call me so I never told."

When I asked her if Harrison ever telephoned her she said "Oh, sure on her own line. Probably on her own line. But not on the WATS (the Senate telephone system)." When I told her she couldn't tell what line Harrison was using to call her, Mrs. Chmielewski said, "Correct. I wouldn't know. But during that time that you're talking about, when I gave it to her, I didn't think she ever called me."

She said she had "no idea" Marylou Harrison had used the Senate telephone system to call her relatives in Ohio, Wisconsin, and California.

I asked Mrs. Chmielewski why Harrison could not call her on her own telephone. "She's poor. She doesn't have nothing. And I figured well -- you know -- to help her a little bit I thought, well, I'll give it to her and let her call me in case my dad needed any -- you know, immediate attention of any sort. That's the reason I gave it to her."

I asked Mrs. Chmielewski if she remembered giving Marylou Harrison the new numbers when the access code changed in August, 1992, she said, "No. I don't remember."

Mrs. Chmielewski said she did not know her son Jeffrey was using the Senate telephone system for his "Gambler" until after I interviewed him in 1994. She never saw Jeffrey using the Senate access code to make telephone calls from her home. She said there are three telephones in her house so he could have done so without her knowledge.

On April 7, 1993, Patrick E. Flahaven, Secretary of the Senate, in a letter stated that "If a personal call is accidentally made on the WATS service, a Senator or staff member shall reimburse the Senate.

On November 12, 1993 all senators were notified by Patrick E. Flahaven, Secretary of the Senate, in a letter that "Pursuant to Laws. 1993, Chapter 370, Sec. 4, (attached), we are sending you the latest phone bill we received. According to the

law, you are required to sign off on phone bills for the lines assigned to your office."

Records for Senator Chmielewski's office telephone reflect the bills were approved by him beginning with September 1993 bill. The bills for the Senate telephone system beginning in April 1994, reflected all calls including calls charged to the 1-800 number. Bills after April 1, 1994 were approved by Senator Chmielewski and contained a pattern of telephone calls, which were personal calls. An examination of the available records for April, May, and June 1994 show that there were 191 telephone calls made to family members and friends of Senator Chmielewski, which were made using the 1-800 number and the barrier code.

The facts presented in this report support the belief that there have been a violation of Minn. Stat. § 609.893, Telecommunications and Information Service Fraud; Crime Defined Subdivision 1, Obtaining Services by Fraud on the part of Jeffrey Chmielewski. This violation is a result of Jeffrey Chmielewski's use of more than five hundred dollars ($500.00) of Minnesota Senate telephone services charged between December 5,1992 and June 30, 1993.

The facts presented in this report support the belief that there have been violations of Minn. Stat. 609.43 Misconduct of Public Officer or Employee on the part of Florian Chmielewski, by failing to supervise and direct the use of the 1-800 telephone number, the access and barrier codes provided to him by the Minnesota Senate. Florian Chmielewski provided the 1-800 number and the access or barrier codes to a number of individuals, who used the Senate telephone system for personal calls, and/or gave the 1-800 number and the access or barrier codes to others, who used the Senate telephone system. The Chmielewski family used the Senate Long Distance Telephone System for personal calls beginning prior to and continuing after the passage of Minn. Stat. 10.47 TELEPHONE USE APPROVAL, which reads; "Each representative, senator, constitutional officer, judge, and head of a state department or agency shall sign the person's monthly long-distance telephone bills paid by the state as evidence of the person's approval of each bill."

RALPH G. NEUMANN
INVESTIGATOR
RAMSEY COUNTY ATTORNEY'S OFFICE

STATE OF MINNESOTA,
County of RAMSEY

DISTRICT COURT
SP JUDICIAL DISTRICT
District Court File No. K7953161

THE STATE OF MINNESOTA
Plaintiff,
vs.
FLORIAN CHMIELEWSKI, SR.,
Defendant.

PETITION TO ENTER PLEA OF GUILTY IN FELONY OR GROSS MISDEMEANOR CASE, PURSUANT TO RULE 15

FILED
DEC 05 1995
RAMSEY DISTRICT COURT

TO: THE ABOVE-NAMED COURT

I, FLORIAN CHMIELEWSKI, SR., Defendant in the above-entitled action, do respectfully represent and state as follows:

1. My full name is FLORIAN CHMIELEWSKI, SR. . I am 68 years old, my date of birth is 2-10-27. The last grade that I went through in school is _____.

2. If filed in my case, I have received, read and discussed a copy of the (Indictment) (Complaint).

3. I understand the charge made against me in this case.

4. Specifically, I understand that I have been charged with the crime of MISCONDUCT of PUBLIC OFFICIAL committed on or about 12-5-92 TO JAN. 30, 1994 (month) (day) (year) in RAMSEY COUNTY County, Minnesota, (and that the crime I am talking about is _____ which is a lesser degree or lesser included offense of the crime charge).

5. I am represented by an attorney whose name is THOMAS J. RYAN and:
   a. I feel that I have had sufficient time to discuss my case with my attorney.
   b. I am satisfied that my attorney is fully informed as to the facts of this case.
   c. My attorney has discussed possible defenses to the crime that I might have.
   d. I am satisfied that my attorney has represented my interest and has fully advised me.

6. I (~~have~~) (have never) been a patient in a mental hospital.

7. I (~~have~~) (have not) talked with or been treated by a psychiatrist or other person for a nervous or mental condition.

8. I (~~have~~) (have not) been ill recently.

9. I (~~have~~) (have not) recently been taking pills or other medicines.

10. I (do) (do not) make the claim that I was so drunk or so under the influence of drugs or medicine that I did not know what I was doing at the time of the crime. N.A.

11. I (do) (do not) make the claim that I was acting in self-defense or merely protecting myself or others at the time of the crime. N.A.

12. I (do) (do not) make the claim that the fact that I have been held in jail since my arrest and could not post bail caused me to decide to plead guilty in order to get the thing over with rather than waiting for my turn at trial. N.A.

13. I (was) (was not) represented by an attorney when I (had a probable cause hearing). (If I have not had a probable cause hearing)

a. I know that I could now move that the complaint against me be dismissed for lack of probable cause and I know that if I do not make such a motion and go ahead with entering my plea of guilty, I waive all right to successfully object to the absence of a probable cause hearing.

b. I also know that I waive all right to successfully object to any errors in the probable cause hearing when I enter my plea of guilty.

c. For gross misdemeanor driving while intoxicated charges under Minn. Stat. §169.121 or Minn. Stat. §169.129 if a complaint has not been filed, I know that I could request that a complaint be filed and that I waive my right to do so. I know that I could move that any complaint filed against me be dismissed for lack of probable cause. I also know that if I plead guilty, I waive all right to object to the absence of a probable cause hearing.

14. My attorney has told me and I understand:

a. That the prosecutor for the case against me, has:

i. physical evidence obtained as a result of searching for and seizing the evidence;

ii. evidence in the form of statements, oral or written that I made to police or others regarding this crime;

iii. evidence discovered as a result of my statements or as a result of the evidence seized in a search;

iv. identification evidence from a line-up or photographic identification;

v. evidence the prosecution believes indicates that I committed one or more other crimes.

b. That I have a right to a pre-trial hearing before a judge to determine whether or not the evidence the prosecution has could be used against me if I went to trial in this case.

c. That if I requested such a pre-trial hearing I could testify at the hearing if I wanted to, but my testimony could not be used as substantive evidence against me if I went to trial and could only be used against me if I was charged with the crime of perjury. (Perjury means testifying falsely.)

d. That I (do) (do not) now request such a pre-trial hearing and I specifically (do) (do not) now waive my right to have such a pre-trial hearing.

e. That whether or not I have had such a hearing I will not be able to object tomorrow or any other time to the evidence that the prosecutor has.

15. I have been told by my attorney and I understand:

a. That if I wished to plead not guilty I am entitled to a trial by a jury and all jurors would have to agree I wa guilty before the jury could find me guilty.

b. That if I plead guilty I will not have a trial by either a jury or by a judge without a jury.

c. That with knowledge of my right to a trial I now waive my right to a trial.

16. I have been told by my attorney and I understand that if I wish to plead not guilty and have a trial by a jury or trial by a judge I would be presumed innocent until my guilt is proved beyond a reasonable doubt.

17. I have been told by my attorney and I understand:

a. That if I wish to plead not guilty and have a trial the prosecutor would be required to have the witnesses testify against me in open court in my presence and that I would have the right, through my attorney, to question these witnesses.

b. That with knowledge of my right to have the prosecution's witnesses testify in open court in my presence and questioned by my attorney, I now waive this right.

18. I have been told by my attorney and I understand:

a. That if I wish to plead not guilty and have a trial I would be entitled to require any witnesses that I think are favorable to me to appear and testify at trial.

b. That with knowledge of my right to require favorable witnesses to appear and testify at trial I now waive this right.

19. I have been told by my attorney and I understand:

a. That a person who has prior convictions or a prior conviction can be given a longer prison term because of this.

b. That the maximum penalty that the court could impose for this crime (taking into consideration any prior conviction or convictions) is imprisonment for ONE years. That if a minimum sentence is required by statute the court may impose a sentence of imprisonment of not less than _____ months for th crime.

c. That a person who participates in a crime by intentionally aiding, advising, counseling and conspiring with another person or persons to commit a crime is just as guilty of that crime as the person or persons who are present and participating in the crime when it is actually committed.

d. That my present probatio[illegible]r parole could be revoked because of the [illegible]a of guilty to this crime.

20. I have been told by my attorney and understand:

a. That my attorney discussed this case with one of the prosecuting attorneys and that my attorney and the prosecuting attorney agreed that if I entered a plea of guilty, the prosecutor will do the following:

(Give substance of the agreement)

WILL REQUEST THE COURT TO ACCEPT THE PLEA

WILL NEITHER OPPOSE NOR AFFIRM THE DEFENSE COUNSELS CONTENTION FOR THE IMPOSITION OF MINNESOTA STATUTES SECTIONS 609.13 AND 609.135 AS TO STAY OF IMPOSITION OF SENTENCE.

WILL NEITHER OPPOSE NOR AFFIRM THE CONDITIONS OF PROBATION.

IT IS AGREED, HOWEVER THAT

1. A SUBSTANTIAL FINE WILL BE ASSESSED

~~2. THAT THERE SHALL BE NO JAIL SENTENCE~~

3. THAT COMPLETE RESTITUTION SHALL BE MADE EVEN THOUGH DEFENDANT DID NOT ACTUAL MAKE CALLS BUT FOR THOSE CALLS MADE BY MEMBERS OF HIS FAMILY WHICH SAID CALLS WERE OUTSIDE OF SENATE USE.

b. That if the court does not approve this agreement:

i. I have an absolute right to then withdraw my plea of guilty and have a trial.

ii. Any testimony that I have given concerning the guilty plea could not be used against me unless I am charged with the crime of perjury based on this testimony.

21. That except for the agreement between my attorney and the prosecuting attorney:

a. No one - including my attorney, any policeman, prosecutor, judge, or any other person - has made any promises to me, to any member of my family, to any of my friends or other persons, in order to obtain a plea of guilty from me.

b. No one - including my attorney, any policeman, prosecutor, judge, or any other person - has threatened me or any member of my family or my friends or other persons, in order to obtain a plea of guilty from me.

22. My attorney has told me and I understand that if my plea of guilty is for any reason not accepted by the court, or if I withdraw the plea, with the court's approval, or if the plea is withdrawn by court order on appeal or other review:

a. I would then stand trial on the original charge (charges) against me, namely MISCONDUCT OF PUBLIC OFFICER (which would include any charges that were dismissed as a result of the plea agreement entered into by my attorney and the prosecuting attorney).

b. The prosecution could proceed against me just as if there had been no plea of guilty and no plea agreement.

23. My attorney has told me and I understand that if my plea of guilty is accepted by the judge I have the right to appeal, but that any appeal or other court action I may take claiming error in the proceedings probably would be useless and a waste of my time and the court's.

24. My attorney has told me and I understand that a judge will not accept a plea of guilty for anyone who claims to be innocent.

25. I now make no claim that I am innocent.

26. I have been told by my attorney and I understand that if I wish to plead not guilty and have a jury trial:
   a. That I could testify at trial if I wanted to but I could not be forced to testify.
   b. That if I decided not to testify neither the prosecutor nor the judge could comment on my failure to testify.
   c. That with knowledge of my right not to testify and that neither the judge nor the prosecutor could comment on my failure to testify at trial I now waive this right and I will tell the judge about the facts of the crime.

27. That in view of all above facts and considerations I wish to enter a plea of guilty.

Dated this_____ day of _____, 19_____.

Florian Ramelewski
DEFENDANT

STATE OF MINNESOTA — DISTRICT COURT

COUNTY OF RAMSEY — SECOND JUDICIAL DISTRICT

State of Minnesota, — File No. K7-95-3901

Plaintiff,

vs. — TRANSCRIPT OF PLEA

Florian Chmielewski, Sr.,

Defendant.

The above-entitled matter came on for hearing before the Honorable Kenneth J. Fitzpatrick, Judge of District Court, on the 5th day of December, 1995.

A P P E A R A N C E S

Charles M. Balck, Assistant Ramsey County Attorney, and Susan Gaertner, Ramsey County Attorney, appeared on behalf of Plaintiff.

Thomas J. Ryan, Esq., appeared on behalf of Defendant.

PROCEEDINGS

THE COURT: Would you read the charge, please?

MR. BALCK: Your Honor, the defendant in this matter, Florian Chmielewski, Sr., is present in court today with his attorney, Mr. Thomas Ryan, pursuant to a complaint issued by the County Attorney's Office acting on behalf of the St. Paul City Attorney's Office, alleging the gross misdemeanor charge of misconduct of a public official. Specifically, that between December 5, 1992 and June 30th, 1994 in Ramsey County, Minnesota, the defendant, Florian Chmielewski, Sr., did wrongfully and unlawfully and while a public officer fail to perform a mandatory nondiscretionary ministerial duty of his office in the manner required by law by failing to properly supervise the use of the telephone access numbers issued by the State of Minnesota by members of his family.

THE COURT: The defendant understand the nature of the charge that's placed here today?

MR. RYAN: Yes, Your Honor.

THE COURT: How does the defendant wish to proceed? Does he wish to enter a plea at this time?

MR. RYAN: Yes, Your Honor.

THE COURT: And how does he wish to plead to that charge?

MR. RYAN: He wishes to plead guilty, Your

Honor.

THE COURT: All right. Will the defendant step forward, please, and take the witness stand?

FLORIAN CHMIELEWSKI, SR.

having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. RYAN:

Q. Mr. Chmielewski, I have been representing you in this matter since you first were -- we were first contacted relative to being interviewed by the Ramsey County Attorney's investigators; is that right?

A. Yes, I have.

Q. And that would be sometime around October of last year or November of last year?

A. That's correct.

Q. And you have, in so far as you have been asked, cooperated in attempting to aid the County Attorney's Office in this quest?

A. Yes, I have.

Q. And I have been your attorney since then and we have gone over the plea agreement as of today; is that right?

A. Yes, we have.

Q. I have apprised you of your constitutional rights?

A. Yes, you have.
Q. And you know then that you have a right to be silent, to refrain from entering a plea of guilty?
A. Yes, I do.
Q. That you have a right of trial by jury under the federal and state constitutions?
A. Yes, I do.
Q. And that you are presumed innocent until you are proven guilty beyond a reasonable doubt?
A. Yes, I do.
Q. And you have read through, have you, the petition --
A. Yes, I have.
Q. -- that I have in my hand?
A. I have.
Q. And you signed it today?
A. Yes, I did.

MR. RYAN: May I approach?

THE COURT: Yes.

BY MR. RYAN:

Q. May I ask, is this your signature on that document, which was prepared today by me and which you read?
A. Yes, it is.

MR. RYAN: I'll offer it in evidence, Your Honor.

THE COURT: Have you seen the document, counsel?

MR. BALCK: I have, Your Honor. I would just like to review one portion if I may, counsel.

THE COURT: Is there any objection to the introduction of the document?

MR. BALCK: No objection, Your Honor.

THE COURT: All right, the Court will receive the petition to enter a plea of guilty.

MR. RYAN: Your Honor, do you want me to go through the plea agreement on the record, or is that sufficient? It's been approved by Mr. Balck.

THE COURT: I believe the petition is probably sufficient, unless you prefer to go over it orally.

MR. RYAN: No, this will be fine. Do you wish me to go through the facts?

THE COURT: Are you going to inquire or does the County wish to inquire?

MR. BALCK: Perhaps counsel could start and if I have any questions I would ask permission to ask any additional questions.

THE COURT: All right, why don't you proceed.

BY MR. RYAN:

Q. Mr. Chmielewski, you have been a member of the senate since 1970?

A. That's correct.

Q. And sometime in the late eighties I believe there was a

code number or some special number that was issued to the senators?

A. I believe that's correct.

Q. And did that system then change after 1988 to something different to the code that was used in the last few years? Or you tell me, tell the Court about it.

A. Well, my understanding is that the members of the senate when they would call in to the capital, it was all the same number. But in 1989 to 1993 the numbers were all sealed under the Minnesota Data Privacy Act. We all used the same number, but the contents of the calls, the nature of the calls, was not available to any member of the senate, because everybody had the same number and they were under the Minnesota Data Privacy Act.

Q. Everybody had the same code number?

A. Everyone had the same code number.

Q. Then I don't follow, how could they distinguish between your call and Senator Solon's call, for example?

A. Well --

Q. Or do you know?

A. No, I'm not sure.

THE COURT: Excuse me. But I have a little different comprehension or understanding. Maybe you should inquire in that area.

BY MR. BALCK:

Q. Senator Chmielewski, it's my understanding and do you not understand that during the time period counsel is referring to, that members of the senate were provided what was commonly called an access code to be used for long distance calls while pursuing and doing senate business; is that correct?

A. That's correct.

Q. And this was provided by the legislature on behalf of the State of Minnesota to each of the elected representatives in the senate; is that right?

A. That's correct.

Q. And it was to be used exclusively for senate or legislative business; is that right?

A. That's correct.

Q. And during that time period that access code changed a couple of times, do you understand that?

A. Yes, I do.

Q. And that the senators individually were apprised and given the new access code so they could continue the use of those numbers in the course of their senate business; is that right?

A. That is correct.

Q. And you individually received the access codes that I have just made reference to, did you not?

A. Yes, we did receive the codes.
Q. And it changed a couple of times, so you received a different code on at least two, possibly three different occasions; is that correct?
A. That's correct.
Q. The last change was in January of 1993 when they changed it to a barrier code, do you understand that?
A. Well, I'm not sure -- oh, yes I do.
Q. And that sometime after that the senators were provided with credit cards, is that correct, where they could make long distance calls using a credit card?
A. Well, I'm not sure of the time period where we were able to use a credit card.
Q. That was more recently when you were using the barrier code, though, correct?
A. Everyone from my recollection is that every member of the senate had a code number. But the code numbers were all identical, they were all the same, and everyone when they called in the telephone numbers were now all mixed together, there was no separation of the calls from one another and we had no access to the records, because the Minnesota Data Privacy Act is what covered all telephone calls that were made by the senators.
Q. You understand, however, while that material may not have been provided to you individually or other senators on a

telephone by telephone basis, the information as to the source of where a call was made and where the call was made to was available to various people in the telecommunications function for the State of Minnesota, do you understand that now?

A. That I think is correct, yes.

Q. So they were able to trace, as was the County Attorney's Office, able to trace where calls were coming from and where they were going to; do you understand that, Senator?

A. That is correct.

Q. And you understand that calls, for example, being made from Sturgeon Lake -- that's your home town, is it not?

A. That's right.

Q. Calls coming from Sturgeon Lake using the senate access code would be routed by vehicle of an access code and a telephone number into a St. Paul switching station and then on to where the call was being directed; do you understand that now, Senator?

A. I do understand that.

Q. So there were records and there are records available where calls could be traced from where they were made from into St. Paul or Ramsey County, and then in turn out to where the call was being directed to?

A. But, Your Honor, if I could answer, I just wanted to make the point that the -- there was no billing or access to any

member of the legislature as to the calls where they would be coming -- I mean, I wouldn't get a bill, no one would be able to know until recently, until a month or two ago, the calls were then exposed, saying, well, here are calls, you identify them. And we've had a difficult time trying to identify those calls, because from '89 to '93 they were all sealed away from us. And we still didn't have access to any calls. We have never seen a ledger or any bills of any kind.

Q. Senator, as a matter of fact, as a result of the what I'll refer to as the Welle situation in the Minnesota House of Representatives, wasn't a session law passed that made it the responsibility of each senator, each elected person, to review their bills and the bills were provided to the elected representatives to review and make sure that they were correct and accurate?

A. That was in 1993.

Q. That's correct. And from 1993 to the present; isn't that correct, Senator?

A. That is correct. That is the first time in my 25 years that we have ever seen a bill. The bills were never given to senators until 1993 when that law was passed.

Q. Then, Senator, do you understand and you agree it was the responsibility of each individual senator, yourself included, to ensure that the use of that credit card or

access number assigned to an individual senator was used for legislative business only?

A. That's right. Since 1993 that information was available to us, but prior to that we have never seen a bill.

Q. Now let's go back for a minute back to 1992, late December, and into 1993 just before the call -- the access code changeover that we're talking about. You were provided with access codes or a code or codes to be used for legislative business, correct?

A. That's correct.

Q. And you understand that that code was to be used only for legislative business?

A. Absolutely.

Q. I believe it to be correct, Senator, that you provided that code to members of your family; is that correct?

A. I provided the access code to the home that I lived in Sturgeon Lake and to the home I lived in -- while the -- where I lived in the metropolitan area.

Q. Who did you give that access code to, Senator?

A. To my wife at my home.

Q. That would be in Sturgeon Lake?

A. That's Sturgeon Lake.

Q. Did you give that code to anyone else?

A. To my daughter where I lived with in Bloomington.

Q. And anyone else?

A. My son in Brooklyn Center. I alternated from one home to another. They were given specific advice to never use the telephone for any other purpose but to give me messages. My job carried me on the road 360-65 days a year. I was always on the road. And my wife was primarily responsible of picking up the messages from my home and relaying them to me. And I caught the messages and I responded to those people that were in my senate district.

Q. So, Senator, you acknowledge that you gave this access code, on more than one occasion, because it changed, correct, to your wife?

A. For only for specific purposes.

Q. But you acknowledge you gave it to your wife?

A. Yes.

Q. When did you find out that your wife in fact used it for something other than senate business?

A. Neither her nor I knew that until about a month ago.

Q. Did you know or do you know now that in fact your wife provided that number to someone else?

A. Yes, I do. Now I do. I know that.

Q. It was your responsibility to ensure that that senate access code was not used for other than senate business; is that your understanding of what your responsibility was?

A. That is correct. And neither her nor I knew that that phone was used for anything else.

Q. Is it your testimony that your wife didn't know she gave it to her sister-in-law -- excuse me -- her sister?
A. That is not my testimony.
Q. You understand that your wife gave the number to her sister?
A. I understand that. And I understand I just want to explain that the calls that her sister made were not made for the purpose that my wife gave her the card. She only gave her the card for one purpose and that was because her mother was critically ill and she said to her indigent sister, if you need to call me, if you have to call me, please use this number if you have to, call me. And what happened is that she never did call my wife, but she did make a number of calls in to some of her friends. And this was all revealed to us, we had no idea that that existed until about 30 days ago or 45 days ago.
Q. Senator, do you understand, however, that by giving this number to anyone else it was your responsibility that that number be used only for legislative business?
A. And I fully accept all the responsibility of any call that was made for -- under that card.
Q. And do you understand, and I believe you have had an opportunity, Senator Chmielewski, to review the probable cause statement contained or attached to the complaint in this matter, have you not?

A. I have.
Q. And you have had a chance to go over that with your attorney, Mr. Ryan?
A. Yes, I have.
Q. And you understand that based on that information there appears to have been hundreds of calls placed using that access code that was provided to you, whether it was the one initially provided or any subsequent access code changes that were provided to you?

MR. RYAN: Excuse me a moment. I would like to have you pin that down to time, because I think what you're talking about were hundreds of calls were made, that was all prior to the dates in the complaint.

BY MR. BALCK:
Q. All right, let's look specifically, if we could, Senator Chmielewski, just during the time period of March of '93 to the present. Do you understand that there were over a hundred -- approximately a hundred and ninety calls made using that access code by various members of your family to family members and friends of your family?
A. I wouldn't conclude that that's what happened. I would say that in my travels, in all my 25 years I've been in the senate, I never lived any place else except beginning with my sister -- my kids grew up and moved to the Cities I lived with my kids, every day. I have never spent a day of

my life in the last 10 years outside of the company of one of my children or my wife. So I was at their house frequently. I stopped every day. When I left the capitol at noon I went to my daughter's house. She was 20 minutes away. That was the love of being in the senate. I was there for lunches, for evening snacks or whatever. And with my three sons I visited them all in one little circle on a weekly basis for sure, and generally on a daily basis if I possibly could. That was my life, with my family.

Q. All right, Senator.

A. So those calls could have been made by me, not by members for senate business.

Q. It's your testimony you made a hundred and ninety-one calls during that three month period, even though they are traced to different numbers at different times from different numbers?

A. It's very possible with me being on the road. I would call home three, four, five times a day. Whenever there's a call, my wife has done a remarkable job of conveying those calls to my office and to me to follow up --

MS. GAERTNER: Your Honor, may we approach?

(Discussion at the bench, off the record.)

BY MR. RYAN:

Q. Senator, in March of 1993 to perhaps to the present, I'm not sure, but in any event, for at least the next 12 month period, March of '93 to perhaps the end of '94, the secretary of the senate sent out a notice to each senator that said that you are now to make a monthly verification of the calls that were made using your particular right to senate use of the telephone. Are you with me?

A. I am.

Q. And on that verification that you had to send back to the secretary of the senate, was a statement that said "I have scrutnized" -- something to this effect, I'm paraphrasing, but something like this -- "I have scrutinized the calls on this monthly statement and I find them to be appropriate or proper"?

A. That's correct.

Q. Do you remember that form?

A. I do remember that.

Q. And then somebody in your office actually did it, you didn't personally do that, but I guess, did you?

A. My administrative aid signed all the reports.

Q. What's his name?

A. Tim Michaels.

Q. And so he had the duty then of verifying those?

A. Yes. And he would call me if there were numbers in

question. He would call me and ask me if this was a call that I had made or -- and it wasn't --

Q. In any event, there were some calls that were on there apparently that were not appropriate; this is what the County Attorney has discovered. You understand that?

A. I understand that.

Q. You understand that that was your obligation?

A. Yes, I do.

Q. And you accept that responsibility of your guilt, at least, maybe not malfeasance, but at least misfeasance, or a careless administrative or ministerial duty?

A. Yes, I do.

Q. And that's what you want -- that's what you're pleading to here?

A. That's what I'm here for.

MR. RYAN: I don't have any other questions, Your Honor.

MR. BALCK: If I could just summarize, Senator, very briefly.

BY MR. BALCK:

Q. You had a responsibility to ensure that the senate access code was to be used only for senate business, that was your responsibility as the elected official, correct?

A. That's correct.

Q. And you know that since the advice of the secretary of the senate Patrick Flavin, as counsel points out? You understand that?

A. I understand that.

Q. And you admit it was your responsibility and you failed in that responsibility to ensure that was used totally for senate business?

A. Are you talking about since 1993?

Q. Since you were advised from the secretary of the senate that you were responsible for making sure that that phone was used -- phone access code only for senate business?

A. Well, I don't -- we never looked at '93 at all. We never discussed it at any time.

Q. You understand that from March of '93 you were advised pursuant to the session law that I'm sure you helped pass that the legislators were responsible for the proper use of that access code?

A. I understand. But I'm saying that no one has ever pointed out, or we were never asked to scrutinize '93 for the purpose we're discussing today. Sure there are calls from -- or to my family members. But I can't specifically think of a call that was made since I signed those ledgers that was --

MR. RYAN: Excuse me a minute. He's not asking you whether you made the calls or not, he's asking you the

same as I asked you, your responsibility as a senator because of the law that was passed in the senate after the Welle thing finished to try to stop the use, or misuse, rather, of the phone service. And you said -- I hope you're not backing away from it now -- you said that you felt that you were guilty of at least not surveilling closely enough the calls that were made and you know that the County Attorney through their investigation have found some calls after March of '93 that were not appropriate senate calls?

THE DEFENDANT: Well, I certainly agree that I didn't do an expert job of surveilling or surveillance on the calls. I said that at the outset.

BY MR. BALCK:

Q. The bottom line is, you had a responsibility and you didn't fully perform that responsibility; isn't that correct?

A. Well, I didn't perform it in a satisfactory manner.

Q. And that's the nature of the misconduct of a public officer that you're pleading guilty to; is that correct?

A. I understand, yes.

Q. Are you in fact pleading guilty to that?

A. I did plead guilty to that.

MR. BALCK: Your Honor, I do believe that's a sufficient basis for the charge that Senator Chmielewski has been charged with in terms of misconduct of a public

officer during the time period in question.

MR. RYAN: I have another question.

THE COURT: I'm not at a point where I feel I would be able to accept a plea.

MR. BALCK: Could we have a recess, Your Honor, at this time to discuss the matter with counsel?

THE COURT: All right. Court will recess.

(A recess was taken.)

MR. BALCK: Your Honor, if I may inquire?

THE COURT: All right.

BY MR. BALCK:

Q. Senator, during the recess I had a chance to have some materials sent over from our office and then to meet briefly with yourself and with your attorney Mr. Ryan; is that correct?

A. That's correct.

Q. And the material -- part of the material that he showed you was a summary of a number of phone calls and where those calls were placed to during the time period of April, May and June of 1994; is that correct?

A. That's correct.

Q. And that was a time period when you were an elected senator, correct?

A. That's correct.

Q. A time when you had the responsibility to ensure that the telephone services provided to you as a senator was to be used only for senate business; is that correct?
A. That's correct.
Q. And the summary that I showed you detailed, did it not, Senator, that calls were made during that time period to your daughter, your son Jeff, your son Mark, your son Florian, Jr., your wife's brother, your wife's second brother, a business associate of yours in the polka business, a number of calls were made to the business, the gaming business, that your son Jeff is involved in, Casino Games, correct? I showed you that?
A. That's correct.
Q. Several calls were made to your wife's sister in Duluth, MaryLou Harrison?
A. That's correct.
Q. And I believe there was even one call made to the mother-in-law of one of your sons and I showed you that on the sheet; is that correct?
A. That's correct.
Q. And the purpose of this is to show you that the calls that were placed using the access code were not all for senate business; is that correct?
A. That's correct.
Q. And you acknowledge now that during that time period there

were calls made using the senate access card number or card assigned to you for other than senate business?

A. Yes, I do.

Q. Senator, I did not during the time that I showed you the summary of this state or suggest that you personally made these calls, did I?

A. No, you did not.

MR. BALCK: Your Honor, I believe that is a sufficient basis for the charge at this time.

THE COURT: Anything further then at this time?

THE COURT: Yes.

BY MR. RYAN:

Q. Senator Chmielewski, when we conclude today I anticipate that Judge Fitzpatrick will probably assign this to a pre-sentence investigation, which is done by the state probation officer. One of the state probation officer's duties will be to determine the amount of restitution. That is, that would appear to be ought to be paid back to the State of Minnesota. And you have affirmed with me a number of times that you anticipated that it would be your duty, even though you may not have made calls, that it would be your duty to repay the State of Minnesota restitution with respect to any members of your family who may have untowardly or without reason or excuse or

permission used this number?
A. That's correct.
Q. And that's your intent?
A. That's my intent.
Q. Now, when the investigator gets to this he's got a rather tremendous job of determining the restitution amount, because you can't tell by merely looking at the paper that Mr. Balck has precisely whether that's senate-related call or not. Many of them, to me, rather obviously are not. But you will have to -- you will have to understand that if it is your contention or our contention that it was a senate-related call when the investigator is looking into this, that we will have the burden of showing that it was a senate-related call and the burden won't be on the county or the State of Minnesota to show that it was an unrelated call, it will be your burden to show it was a related call?
A. That's correct, I understand that.
Q. For those that we can't sustain that burden, you will be subject to pay for?
A. I will.
Q. You understand that?
A. I understand that.

MR. RYAN: I don't have anything further, Your Honor.

THE COURT: Anything further?

MR. BALCK: Not on behalf of the state, Your Honor.

THE COURT: All right. Do you want to step down please.

This matter will be continued for a pre-sentence investigation. My clerk will make an appointment for you to be interviewed by a member of Court Services. At such time as that investigation is complete you will return before the Court for sentencing.

Do we have some dates available?

THE CLERK: January 11th or January 18th, 1996.

THE COURT: I suggest there may be considerable work involved with the issue of restitution, so maybe the 18th, if that's agreeable with all parties. That will be at 1:30. Courtroom 1360. Is that satisfactory?

MR. BALCK: It is, Your Honor.

THE COURT: All right, court will recess.

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

CERTIFICATE

I, DALE W. CARPENTER, an Official Court Reporter for the County of Ramsey, State of Minnesota, 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 State of Minnesota vs. Florian Chmielewski, Sr.

Dale W. Carpenter
Official Court Reporter

DATED: Dec. 22, 1995.

609.43 Misconduct of public officer or employee.

A public officer or employee who does any of the following, for which no other sentence is specifically provided by law, 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:

(1) Intentionally fails or refuses to perform a known mandatory, nondiscretionary, ministerial duty of the office or employment within the time or in the manner required by law; or

(2) In the capacity of such officer or employee, does an act knowing it is in excess of lawful authority or knowing it is forbidden by law to be done in that capacity; or

(3) Under pretense or color of official authority intentionally and unlawfully injures another in the other's person, property, or rights; or

(4) In the capacity of such officer or employee, makes a return, certificate, official report, or other like document having knowledge it is false in any material respect.

HIST: 1963 c 753 art 1 s 609.43; 1984 c 628 art 3 s 11; 1986 c 444

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January 5, 1996

Senator Ember Reichgott-Junge, Chair
Subcommittee on Ethical Conduct
Room 208, State Capitol
75 Constitution Avenue
St. Paul, MN 55155-1606

Re: State of MN vs. Florian Chmielewski

Dear Senator Reichgott-Junge:

I am sending this request for continuance to you as soon as possible after discovering that Senator Chmielewski must be at St. Luke's Hospital in attendance upon his wife. She endured six hours of surgery on the 3rd of January. Mrs. Chmielewski is to be brought home by her husband on Tuesday, January 9, 1996. She is in a delicate post surgery situation and needs her husband's care and attention.

However, I would request a continuance of the hearing anyway, because I believe it should not proceed until after the sentencing in the Ramsey County District Court is complete. The reasons for this request are:

1) That no publicity should ensue that might affect the outcome of the court proceeding;

2) It is not yet determined whether this court proceeding will ultimately go into the record as a misdemeanor under M.S. 609.135;

3) To have a hearing at this time may lead to attempting to second-guess the Ramsey County Attorney's prerogative of prosecutorial discretion;

4) To have a hearing before the sentencing may lead to attempts to second-guess the plea agreement and to air the facets that go into a plea agreement may well compromise the court process;

5) If the hearing is before the sentencing it should be confined to that portion of the probable cause complaint applicable to Senator Chmielewski only and to those facts which are within the statute of limitations only. This is urged because it is our understanding that the reason Senator Moe asked for the Senate Committee on Ethics to

hold hearings has its basis only on court record guilty pleas.

It would not be proper to have these hearings prior to the ultimate court action. It would be prejudicial to the Defendants in the criminal action. Further, it would be improper and perhaps unconstitutional to have hearings prior to Jeffrey Chmielewski's case is completed unless a stipulation of facts can be agreed upon prior to the sub-committee hearing with respect to Senator Chmielewski.

Please verify by sending to FAX (612) 629-3016, Pine City, Minnesota, to my attention.

Yours very truly,

Thomas J. Ryan

Thomas J. Ryan
Attorney for Defendant
Attorney Lic. No. 94894

TJR/rp

U.S. ITEMITS, MOE FRIDAY 1-5-96 TO FAX
TO 296-7747

RULES & ADMINISTRATION SPECIAL SUBCOMMITTEE ON ETHICAL CONDUCT

June 19, 1996
Room 15 Capitol

The subcommittee was called to order at 1:30 p.m.

PRESENT: Senators Frederickson, Novak, Reichgott Junge, Terwilliger

Also present: Former Chief Justice Robert Sheran

Sen. Reichgott Junge; opening remarks: purpose of hearing, timeline and background, action that may be taken by the subcommittee.

Sen. Frederickson; additional comments.

Peter Wattson, Senate Counsel; clarifying points regarding the timeline of the complaint against Sen. Chmielewski. Presented court records and other background information.

Discussion regarding possible subcommittee recommendations.

Justice Sheran; provided comments and observations.

Sen. Terwilliger moved that the subcommittee again invite Sen. Chmielewski to appear before the subcommittee on or before June 27, and that he specify a date certain by 3:00 p.m. Friday, June 21. The motion passed by voice vote.

The meeting adjourned at 4:30 p.m. The meeting was taped.

Respectfully submitted,

Marcia Seelhoff, Secretary

Sen. Ember Reichgott Junge, Chair

MINNESOTA SENATE

SUBCOMMITTEE ON ETHICAL CONDUCT

CONDUCT OF SENATOR FLORIAN CHMIELEWSKI

June 19, 1996

FLORIAN C. CHMIELEWSKI
President Pro tem of the Senate
Room 325, State Capitol
75 Constitution Avenue
St. Paul, MN 55155-1606
(612) 296-4182
Home:
Sturgeon Lake, Minnesota 55783
(218) 372-3616

Senate

State of Minnesota

December 11, 1995

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

Dear Senator Moe:

With great regret, I am requesting today that you relieve me of my duties as Chair of the Transportation and Public Transit Committee and as President Pro Tem of the Minnesota State Senate.

As a member of the Senate since 1971, I have always tried to serve to the very best of my ability. I have always tried to put the interests of my constituents first. I am very proud of my record of service and the many accomplishments I, and others from my district, can point to.

This has been a very unfortunate incident and I am very saddened to take this action today. I believe, however, that doing so is in the best interests of my constituents and the Minnesota State Senate.

Please accept this letter of resignation from these duties, effective immediately.

Sincerely,

Florian

Florian Chmielewski

COMMITTEES • Transportation and Public Transit, Chairman; Transportation and Public Transit Finance Division; Jobs, Energy and Community Development; Jobs, Energy and Community Development Finance Division; Rules and Administration

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 Florian Chmielewski
Room 325 State Capitol
St. Paul, MN 55155

Dear Sen. Chmielewski:

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 Tuesday, January 9, 1996, in Room 112 of the Capitol, beginning at 10:00 a.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

THOMAS J. RYAN
ATTORNEY AT LAW
25 N.E. EIGHTH AVENUE
PINE CITY, MN 55063
(612) 629-2053
1-800-529-2053

January 5, 1996

Senator Ember Reichgott-Junge, Chair
Subcommittee on Ethical Conduct
Room 208, State Capitol
75 Constitution Avenue
St. Paul, MN 55155-1606

Re: State of MN vs. Florian Chmielewski

Dear Senator Reichgott-Junge:

I am sending this request for continuance to you as soon as possible after discovering that Senator Chmielewski must be at St. Luke's Hospital in attendance upon his wife. She endured six hours of surgery on the 3rd of January. Mrs. Chmielewski is to be brought home by her husband on Tuesday, January 9, 1996. She is in a delicate post surgery situation and needs her husband's care and attention.

However, I would request a continuance of the hearing anyway, because I believe it should not proceed until after the sentencing in the Ramsey County District Court is complete. The reasons for this request are:

1) That no publicity should ensue that might affect the outcome of the court proceeding;

2) It is not yet determined whether this court proceeding will ultimately go into the record as a misdemeanor under M.S. 609.135;

3) To have a hearing at this time may lead to attempting to second-guess the Ramsey County Attorney's prerogative of prosecutorial discretion;

4) To have a hearing before the sentencing may lead to attempts to second-guess the plea agreement and to air the facets that go into a plea agreement may well compromise the court process;

5) If the hearing is before the sentencing it should be confined to that portion of the probable cause complaint applicable to Senator Chmielewski only and to those facts which are within the statute of limitations only. This is urged because it is our understanding that the reason Senator Moe asked for the Senate Committee on Ethics to

hold hearings has its basis only on court record guilty pleas.

It would not be proper to have these hearings prior to the ultimate court action. It would be prejudicial to the Defendants in the criminal action. Further, it would be improper and perhaps unconstitutional to have hearings prior to Jeffrey Chmielewski's case is completed unless a stipulation of facts can be agreed upon prior to the sub-committee hearing with respect to Senator Chmielewski.

Please verify by sending to FAX (612) 629-3016, Pine City, Minnesota, to my attention.

Yours very truly,

Thomas J. Ryan

Thomas J. Ryan
Attorney for Defendant
Attorney Lic. No. 94894

TJR/rp

P.S. LET MITS KNOW FRIDAY 1-5-96 TO FAX TO 296-7747

Coin and Slot Service Company

Representing

International Game Technology

January 18, 1996

MEMO

To: Mr. Peter Wattson. Minnesota Senate

From: Jayne Sessa

Re: The Gambler L.J. Limited Partnership
Jeff Chmielewski

Enclosed is copy of the memo we sent to Jeff Chmielewski requesting proof of licensing and the letter we received from Senator Florian Chmielewski, dated 12/26/91.

js

cc: Tom McCormick

201 WEST DECATUR AVENUE, PLEASANTVILLE, NEW JERSEY 08232
PHONE (609) 641-7811 ● FAX (609) 641-6854

File under MN.

FAXED

12/23/91

To: Jeff Chmielewski
The Gambler

From: Mac Seelig
A.C. Coin & Slot Co.

We received your faxed information, but we need documentation from the State of Minnesota or information from legal source stating you are legally licensed to be a dealer of slot machines.

Jeff, legally we must have this information for our files.

We will await your reply.

Thank you.

Copy: Tom

FLORIAN CHMIELEWSKI
SENATOR 14TH DISTRICT
STURGEON LAKE, MINNESOTA 55783
HOME PHONE 218-372-3616
CAPITOL PHONE 612-296-4182

State of Minnesota
SENATE

COMMITTEES
[illegible]
VICE-CHAIRMAN
CHAIRMAN, SUBCOMMITTEE ON VETERAN A
LOCAL GOVERNMENT
TAXES AND TAX LAWS

December 26th, 1991

Mr. Mac R. Seelig
AC Coin & Slot Co.
201 W. Decatur Ave.
Pleasentville, New Jersey 08232

Dear Mr. Seelig,

In response to your concerns, The Gambler L.J. limited partnership located at 740 Highway 10 N.E., Blaine, Mn., is an accepted and recognized distributor of used gambling equipment and are in full accordance with all state and federal laws governing such businesses. They are fully liscenced and registered according to the minnesota gaming enforcement division. You may feel free to engage in any business transactions at this time.

Sincerely,

Senator Florian Chmielewski
President-Minnesota Senate

cc:
Gaming Enforcement Division

FLORIAN C. CHMIELEWSKI
President Pro tem of the Senate
Room 325, State Capitol
St. Paul, Minnesota 55155
(612) 296-4182
Home:
Sturgeon Lake, Minnesota 55783
(218) 372-3616

Senate

State of Minnesota

December 11, 1991

[redacted]

Dear [redacted]:

I certainly agree with you that the reduction of the Work Readiness Program will cause a serious financial hardship for people. You are also correct in your assessment of the Governor's position on this issue. His proposal to cut the program even further is draconian, to say the least!

Minnesota has always taken great pride in offering public programs that assist individuals in their efforts to improve their employment opportunities. I believe the Work Readiness Program has been cost-effective in helping people to access the labor market. When something is working well, you should not tinker with it and you definitely should not cut funding. That is the message we all need to convey to the Governor.

In closing, I simply want to assure you that I will vote to restore funding for the Work Readiness Program if such legislation reaches the Senate floor. Thanks for sharing your concerns with me, as well as those who signed the petition.

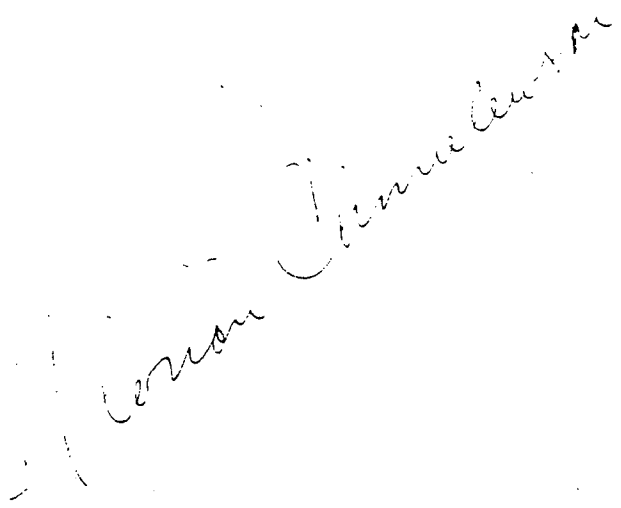
Sincerely,

FLORIAN CHMIELEWSKI
President Pro Tem

FC:ed

COMMITTEES • Employment, Chairman • Taxes and Tax Laws • Transportation, Local Government • Rules and Administration

Signed 1-25-96



STATE OF MINNESOTA
COUNTY OF RAMSEY

DISTRICT COURT
SECOND JUDICIAL DISTRICT
FILE #K7-95-3901

State of Minnesota,

Plaintiff

vs.

ORDER

Florian Chmielewski Sr.,

Defendant.

The above-entitled matter came before the Honorable Kenneth J. Fitzpatrick, Chief Judge of District Court, on February 1, 1996 for Sentencing. Defendant Motioned the Court For Postponement of Further Court Proceedings. Defendant was represented by Thomas J Ryan, 25 - 8th Ave. N.E. Pine City, MN. Plaintiff was represented by Susan Gaertner, Ramsey County Attorney and Charles Balck, Assistant Ramsey County Attorney, Suite 315, 50 West Kellogg Blvd., St. Paul, MN 55102.

Based upon the files, arguments of counsel and the proceedings herein, the Court makes the following:

FINDINGS OF FACT

1. Defendant is a member of the Minnesota State Senate.

2. On December 5, 1995 Defendant entered a plea of guilty to a gross misdemeanor charge of misconduct of a public officer.

3. The parties agreed to a sentencing date of January 18, 1996. Sentencing was then further continued to February 1, 1996 by the Court.

4. On January 29, 1996, Defendant filed a motion for postponement of further court proceedings on the grounds that Defendant is a member of the Minnesota Senate and the Minnesota legislature is presently in session.

5. The current Minnesota legislative session convened on January 16, 1996.

6. The Constitutionally mandated date for the close of the current legislative session is May 20, 1996.

CONCLUSION OF LAW

1. No cause or proceeding civil or criminal, in court . . . in which a member of the legislature is a party shall be tried or heard during a session of the legislature. The matter shall be continued until the legislature has adjourned. Minn.Stat. §3.16.

IT IS HEREBY ORDERED

1. That this matter shall reconvene for further court proceedings at the end of the current legislative session.

2. That all parties shall be contacted by the Court for further scheduling of all court proceedings at that time.

DATED: [illegible]

[illegible]
Kenneth J. Fitzpatrick
Judge of District Court

RECEIVED

MAR 14 1996

SECRETARY OF THE
MINNESOTA SENATE

FLORIAN C. CHMIELEWSKI
President Pro tem of the Senate
Room 325, State Capitol
75 Constitution Avenue
St. Paul, MN 55155-1606
(612) 296-4182
Home:
Sturgeon Lake, Minnesota 55783
(218) 372-3616

Senate
State of Minnesota

March 14, 1996

Pat Flahaven
Secretary of the Senate
Room 231, State Capitol
75 Constitution Avenue
St. Paul, MN 55155

RE: December Telephone Bill

Dear Pat:

All telephone calls for the month of December using the Senate access code are listed as having an unknown origin. These 77 calls amount to $137.12, which is more than 50% of the total billing amount.

The aforementioned calls were obviously made by myself while I was either traveling to meetings or otherwise on the road with the band and checking my telephone answering machine at home for messages relating to legislative business. The Ramsey County Attorneys' Office has determined that these types of calls must be reimbursed retroactively to 1992, for a total amount of $1,882.55, even if the calls placed were made to the state Capitol, local government officials, County Human Service Agencies or constituents. The other calls I am asked to reimburse are related to my family and prohibits any calls made to or from any home of mine, any home of my four children and calls made by my wife from our Sturgeon Lake home to me.

This prohibition on telephone calls also extends to any calls that were made to constituents, or to my home in Sturgeon Lake, if they were made on the road or from my childrens' homes even though I lived with my kids five days a week year round and leased from Patty, Mark, and Florian Jr. in the past years. These calls amount to another $1,980.61.

Therefore, I really shouldn't approve payment of the December billing at this time since I'd be admitting to mismanagement of my office exactly as it is now before the Ramsey County Court. As a matter of fact, as soon as I regain my strength I'd like to have the opportunity to discuss the entire issue with you, dating back to 1990. To have Ramsey County set Senate rules retroactively for 4-5 years is so preposterous, I just might fight back in court for what is fair and just. Please advise me as to what your thoughts are regarding this matter, and if you would be available to meet and discuss these concerns with me.

Sincerely,

Florian

Senator Florian Chmielewski

FC: tm

cc: Marrita Gould

THOMAS J. RYAN
ATTORNEY AT LAW
[illegible]
[illegible]
(612) 222-2053
1-800-523-2053

March 21, 1996

Charles Balck
Assistant Ramsey County Attorney
Suite 315, 50 West Kellogg Boulevard
St. Paul, MN 55102-1657

Re: State of MN vs. Florian Chmielewski
Court File No. K7-95-3901

Dear Mr. Balck:

I appreciate your letter of recent date reminding me of my earlier request for copies of documentation to be forwarded to me by your office. My recollection is that the cost to the Defendant of furnishing such records from your office would be in excess of $300.00.

We are struggling with an alternative to this expenditure by working from the data supplied to the Court by Art Mills, the State Probation Officer, on this case. We have produced an analysis of the calls in Mr. Mills' report to the Court. I assume Mr. Mills based his report of phone usage from your office.

From our analysis of these phone calls, we conclude the amount of reimbursement to be $326.55. This is arrived at on the basis of including some calls that may or may not be senate related. If we had doubt, we included them in the restitution amount. This amount was calculated from the analysis of the records supplied to us and to the probation officer by the County Attorney.

I have a check from the Defendant in the amount of $326.55 which will be delivered as soon as I am directed as to the appropriate recipient.

Since the Court indicated the burden of rebuttal is on the Defendant, we will be filing affidavits sustaining Defendant's burden. Copies will be supplied to you and to the Ramsey County District Court and to the State Senate.

Yours very truly,

Thomas J. Ryan

Thomas J. Ryan

TJR/ep

cc: Court Administrator
Senator Florian Chmielewski
Patricia Devitt
Peter Wattson

MAR

Senate Counsel & Research
G-17 State Capitol
St. Paul, MN 55155
(612) 296-4791
FAX (612) 296-7747
Jo Anne Zoff Sellner
Director

Senate
State of Minnesota

March 25, 1996

Thomas J. Ryan
Attorney at Law
25 N.E. Eighth Avenue
Pine City, MN 55063

Subj: *State v. Chmielewski*, No. K7-95-3901

Dear Mr. Ryan:

Thank you for sending me a copy of your recent letter to Charles Balck regarding the restitution to be made by Senator Chmielewski for unlawful use of the Minnesota Senate's long-distance telephone system.

The purpose of this letter is to remind both you and Mr. Balck that the ultimate recipient of this money should be the Secretary of the Senate, who has paid the Department of Administration for this telephone service and desires to be reimbursed for the portion paid on behalf of Senator Chmielewski's unauthorized calls. Also, please be advised that the federal telephone tax of three percent should be added to the amount reimbursed.

Sincerely,

Peter S. Wattson
Senate Counsel

PSW:ph

cc: Charles Balck, Assistant Ramsey County Attorney
Patrick E. Flahaven, Secretary of the Senate
Senator Ember Reichgott Junge
Senator Dennis R. Frederickson
Senator Steven G. Novak
Senator Roy W. Terwilliger

THOMAS J. RYAN
ATTORNEY AT LAW
25 N.E. EIGHTH AVENUE
PINE CITY, MN 55063
(320) 629-2053
1-800-529-2053

April 16, 1996

Honorable Kenneth Fitzpatrick
Judge of District Court
13th Floor, Ramsey County Courthouse
St. Paul, MN 55102

Re: State of MN vs. Florian Chmielewski
Court File No. K7-95-3901

Dear Judge Fitzpatrick:

I am transmitting this packet termed "Defendant's Fact Brief" to you. I am doing this to aid the Court in perhaps better perceiving the case from the viewpoint of the Defendant.

Also, it occurs to me that the Court and the probation office should have this information and Defendant's perspective prior to the day of sentencing.

Yours very truly,

Thomas J. Ryan

TJR/rp

Enclosures

cc: Court Administrator
Charles Balck, Assistant County Attorney
Art Mills, Probation Officer

STATE OF MINNESOTA

COUNTY OF RAMSEY

DISTRICT COURT

SECOND JUDICIAL DISTRICT

Court File No. K7-95-3901

State of Minnesota,

Plaintiff,

vs.

Florian Chmielewski,

Defendant.

DEFENDANT'S FACT BRIEF

1. The Defendant first heard of the possibility of non-senate use of the telephone access code during the latter part of the month of October, 1994. Defendant learned that his son, Jeffrey Chmielewski, had been contacted by Messrs. Neumann and McNiff of the Ramsey County Attorney's Office. Jeffrey never worked for Senator Chmielewski nor did the senator ever disclose the telephone code nor access to Jeffrey.

2. In November, 1994, Defendant engaged his attorney, Thomas J. Ryan, to contact Thomas Foley, then Ramsey County Attorney. For the first time Defendant learned it was alleged that the access code had been used for non-senate calls. He learned that his son, Jeffrey, or someone by the name of Dolash, had used the code without permission from Senator Chmielewski. He had never shared the senate access numbers or code with anyone other than those having legitimate right of use and then never without the appropriate admonition as to its use.

The list of those having approved use of the access to telephone use for senate purposes is as follows, to-wit:

Patricia Chmielewski, Senator's spouse and link to district constituents at Sturgeon Lake, Minnesota;

Patricia Devitt, Senator's daughter and secretary over the years and keeper of the Senator's office away from the capitol and his "home away from home." He lives with her and her family when he is in the Twin City area. Her home is in Bloomington, Minnesota. Patricia Devitt analyzed all data as to calls and after a number of days of work, prepared Exhibit A, attached hereto. Said exhibit shows the amount of $297.38 due the Secretary of the Senate. A check in that amount has been forwarded to Patrick E. Flahaven, Secretary of the Senate.

Mark Chmielewski, Senator's son with whom he headquartered part of the time in recent years.

These persons were admonished by Senator Chmielewski each time an access phone code was issued by the Senate Secretary, "that the facility was to be used only by them and exclusively for senate business and no other."

3. Shortly after Attorney Ryan's contact with Thomas Foley, arrangements were made for Senator Chmielewski and his attorney to meet with Ramsey County investigators Neumann and McNiff. Senator Chmielewski cooperated throughout this lengthy interview.

4. A short time after the above interview the senator's daughter, Patricia Devitt, cooperated with the Ramsey County Attorney's Office at a meeting in the Ramsey County Government Center on Kellogg Boulevard in St. Paul. The interviewers were

Messrs. Neumann and McNiff. These interviews were confined to the period of October 1991, to December 1992. It is pointed out that this period has nothing to do with the probable cause complaint.

5. The next factual event of significance was receipt by Thomas Ryan, Senator Chmielewski's attorney, of five letters from the Ramsey County Attorney's Office signed by Ramsey County Assistant County Attorney Charles Balck. (A copy pertaining to Senator Chmielewski is attached and marked Exhibit B). The other four letters were identical and were addressed to four members of Senator Chmielewski's family. Each indicated Grand Jury investigations and presentment and possible indictment. The letters stated that the Grand Jury presentment would commence on December 12, 1995, in the Grand Jury Room on the 17th Floor of the Ramsey County Courthouse, St. Paul, under provisions of Rule 18, Minnesota Rules of Criminal Procedure.

6. Subsequently a great amount of discussion ensued by and among the five potential defendants and their attorney. During this time Senator Chmielewski learned that his attorney had been informed by the Ramsey County Attorney's Office that the office holders, the senators, were the "targets".

Not wanting the innocent members of his family to subject themselves to a possible Grand Jury procedure or embarrassment, Senator Chmielewski and his attorney sought an alternative. Senator Chmielewski's attorney had also been informed by an Assistant Ramsey County Attorney that he had enough to go to the

Grand Jury with all five of the Chmielewski family, and that he had a reasonable possibility of securing indictments.

7. Some week prior to the Grand Jury convening on December 12th, Ramsey County Assistant County Attorney Charles Balck and Senator Chmielewski's attorney, Thomas Ryan, had a series of conferences which lead to negotiation. The County Attorney's Office wanted to ascertain whether or not the Grand Jury would be needed on this senate probe or not. It was certainly better for all concerned to avoid the uncertainty of Grand Jury action.

8. To obviate the necessity for calling the Grand Jury, these litigants entered into the following understanding:

> That Senator Chmielewski would enter a plea not to Telecommunication Fraud as the other senators had, but to "Misconduct of a Public Official" (M.S. 609.43). Telecommunication Fraud did not apply to Senator Chmielewski because he did not use the senate access code for non-senate business himself and he supplied the access to no one except to those who worked on senate business and/or with those with whom he lived.

The telephone access was shared with:

- Patty Devitt, his daughter, of Bloomington, Minnesota, whose home he lived in pursuant to a written lease agreement. Also Patty Devitt worked on the senator's senate business for many years and was employed as an adjunct administrative assistant (See copy of

annual lease submitted as example of residence and telephone use marked Exhibit C);

- Also Patricia Chmielewski, Senator Chmielewski's spouse who manned his Sturgeon Lake office in the approximate middle of his legislative district for the past twenty-five years, (see affidavit marked Exhibit D) and who relayed messages to and from the senator.

When Mr. Ryan asked Mr. McNiff how he could consider a call from the senator while at Patty Devitt's home where he was staying to the Chmielewski home in Sturgeon Lake to be a non-senate district call, Mr. McNiff's response to Mr. Ryan was, "The senator would call; his wife would answer the phone; the senator would ask his wife if there were any constituent or senate-related calls; she would respond; after she responded, the senator would sometimes ask 'How are you?'" This, according to Mr. McNiff, made that call illegal and was counted as "a call not on senate business."

9. Access Code Use

(a) Patricia Chmielewski, Senator Chmielewski's wife, on the occasion of an emergency as to her father and mother who lived in Duluth, supplied the telephone access to her sister who also lived in Duluth. Mrs. Chmielewski's instruction to her sister was to use it to call Mrs. Chmielewski, if, and only if, it became necessary in a family emergency situation.

Mrs. Chmielewski's sister called once. However, her sister apparently called other people unbeknown to either Senator Chmielewski or to his wife, Patricia Chmielewski.

(b) Mark Chmielewski used the access code on a few occasions other than permitted calls on senate business for his father. These occasions were when he called his wife's relatives outside the United States.

(c) Patricia Devitt used the access code on a few occasions when there were questions as to senate use and she has analyzed all calls supplied by the county attorney's office and segregated them into appropriate groups. The analysis made by her with the help of the others who had permission to use the access code. (See Exhibit A)

10. The Grand Jury appearances for the 12th of December, 1995, were called off by the Ramsey County Attorney's Office with respect to the Chmielewski family. This was done after Mr. Balck and Mr. Ryan agreed that Senator Chmielewski would enter a plea of guilty on December 5, 1995, before the Honorable Kenneth Fitzpatrick in the Ramsey County District Court.

11. Prior to December 5, 1995, none of the Defendants nor their attorney had seen any paper or hard evidence. On December 5, 1995, at 11:45 a.m. Thomas Ryan, Senator Chmielewski's attorney, was handed a nineteen-page probable cause complaint. Defendant and counsel read the complaint over noon-hour and appeared at 1:30 p.m. and entered a plea of guilty to the complaint. Mr. Balck had informed Mr. Ryan that because of the complexity of the Ramsey County Attorney's Office investigation that he had compiled a "synopsis" of events. This "synopsis" became the 19-page probable cause complaint. Peculiarly, the "synopsis" became the probable

cause complaint in the Jeffrey chmielewski case also, even though he was charged differently. He was charged with Telecommunication Fraud as in the cases of Senator Anderson and Senator Solon. Senator Chmielewski plead to a charge tantamount to non-feasance neglect of a ministerial duty or non-surveillance of employee activity.

12. As part of the plea proceedings, a Petition to Plead was prepared over the noon hour and presented to, and accepted by, the Court. This provided, among other conditions, that the plea petition contained the reference to Minnesota Statutes 609.13 and 609.135. At the time of sentencing if the Court imposed said statutes the Defendant's record will ultimately show a misdemeanor violation.

13. In the Court record transcript of the plea proceedings of December 5, 1995, the following appears on page 22 at line 4:

> Mr. Balck: "Senator, I did not during the time that I showed you the summary of this state or suggest that you personally made these calls, did I?"
>
> Answer: "No you did not."

Also in the court record transcript:

14. By Mr. Balck:

> Q. "Senator, during the recess I had a chance to have some materials sent over from our office and then to meet briefly with yourself and with your attorney Mr. Ryan; is that correct?"
>
> A. That's correct."
>
> Q. And the material -- part of the material that he showed you was a summary of a number of phone calls and where those calls were placed to during the time period of April, May and June of 1994; is that correct?"

A. "That's correct."

Q. "And that was a time period when you were an elected senator, correct?"

A. "That's correct."

The County Attorney work sheets for April, May and June of 1994 were shown to Senator Chmielewski and his attorney during a short recess. They were the only record disclosed after the Welle case. They were also the only record disclosed allegedly occurring during the applicable statute of limitations.

After Senator Chmielewski returned to Sturgeon Lake he secured his home telephone number billings for the same months alleged by Mr. Balck pursuant to the Neumann-McNiff investigation. Senator Chmielewski's billings from and to his home number, 218-372-3616, are attached for reference and cover the same period referred to in the transcript, namely, April, May and June of 1994.

These billings represent the non-senate portion of the defendant's calls during these months and were paid for by the senator to which they were charged for his non-senate calls. The calls the County Attorney's Office disclosed were "senate-related calls." (See Exhibit "E", the Senator's personal telephone billing for April, May, June of 1994, from or to 218-372-3616.)

15. Patrick Flahaven stated under oath in the Solon hearing that it was a policy of the senate to have its members keep in touch with their families, and that family members were able to use the access to convey any messages of senate business to the member of the senate.

16. Patty Devitt has thoroughly analyzed all calls and submits her affidavits and analyses marked Exhibit F. On the basis of including some calls that may or may not be senate-related, if we had doubt we included them in the restitution amount calculated resulting in a check from the Defendant, which I have in my possession, and which will be delivered now that I have been informed by Peter Wattson, Senate Counsel, as to the appropriate recipient. (See Peter Wattson's letter marked Exhibit G.)

17. Following is factual response to Senator Dean Johnson and Senator Thomas Neuville's signed complaint filed December 20, 1995, with Senate Special Subcommittee on Ethical Conduct:

> Paragraph 4 of the said complaint states in part that the Ramsey County Attorney alleges that State Senator Florian Chmielewski gave the access code number to many people for their business and personal use.

This statement is patently untrue.

The reference to family members' use is untrue except in a minimum of instances, those having legitimate use may have made a few calls as if using a watts line to which most of the more than 150 members of the Senate and their employees admitted, and paid back to the State. (See Exhibit "H" attached hereto.)

There is no allegation nor assertion by the Ramsey County Attorney's Office that any of Jeffrey Chmielewski's calls or Dolash calls were generated out of any overt act of Senator Chmielewski.

Further there is no allegation nor assertion by the County Attorney that Senator Chmielewski "breached his ethical duty, nor misused public property, nor betrayed public trust" as alleged by the two complaining senators.

18. Attached hereto is Exhibit "G" which is a response from Senate Counsel, Peter Wattson, as to the "ultimate recipient" of restitution monies. He states that the recipient should be the Secretary of the Senate. Hence, Senator Chmielewski's check is made to the appropriate payee, "The Secretary of the Senate" (copy of payment check is attached and marked Exhibit "I").

The entire computation of Senator Chmielewski's pay-back up to the cut-off date of October 8, 1993, with respect to the senate members or employees was $59.40 plus $1.84 tax.

The only other portion of his record after October 8, 1993, disclosed to him and his attorney was for the three months of April, May and June of 1994. These months are discussed in another portion of this fact brief.

19. Attached hereto are a number of affidavits from persons knowing that Senator Chmielewski had his Twin City office and abode at the home of his daughter, Patricia Devitt in Bloomington, Minnesota (see Exhibit "J THROUGH T"

Respectfully submitted,

Thomas J. Ryan

Thomas J. Ryan
Attorney for Senator Chmielewski
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(320) 629-2053
Attorney Lic. No. 94894

Exhibit A

Florian testified under oath that for many years he lived with his four children at their twin cities residence for at least five days a week. He has never lived at any other twin cities address. It was from their homes that he contacted his constituents, receiving and responding to messages referred by his wife who manages his calls at their home in Sturgeon Lake or his capitol staff in St. Paul.

He authorized his wife Pat, daughter Patty, and son Mark to relay messages on senate business. All calls to and from his Sturgeon Lake home and the home of his four children were senate related. Calls on the access code made from anywhere in the United States for senate business were authorized under senate rules.

Most calls were made to or from his daughter Patty's home in Bloomington, where he spent the majority of his time. His daughter has worked with Florian for several years as an administrative assistant and has attended many legislative functions throughout the years. She also receives and responds to messages on his behalf if he is unavailable. Florian's St. Paul office always referred his senate calls to Patty or one of his other children's home during the day or evening for follow-up.

Ramsey Counties report identified the following callers by numbering them 1 through 10 as follows:

1 - Jeff Chmielewski
2 - Gambler
3 - Patty Devitt
4 - Ceridian
5 - Mark Chmielewski
6 - Florian Chmielewski Jr.
7 - Sturgeon Lake
8 - Loran Dolash
9 - Lorren Lindevig
10 -MaryLou Harrison

In response to the Ramsey County report, it alleges that there were 1,578 of improper calls amounting to $4,731.16. It appeared that Ramsey County counted one call as two in several instances because of the dual method of billing.

The following compilation is a breakdown in which only 59 calls could be questionable in the amount of $387.60 and gives an explanation for each. An extra category was added because there was no place of origin or destination in the Ramsey County report which is more than 50% of the total number of calls.

The summary is as follows:

1. Jeff - These are calls most likely made by Jeff and seem to be related to the Ironworld USA polkafest for $80.59.

2. Gambler - These two calls were either made by Jeff or Loran Dolash at a total of $0.82.

3. Patty (A) - These are calls from Patty's home where Florian lived year round totaling $687.18. Patty also worked for Florian as an Administrative Assistant.

3. Patty (B) - These were a continuation of two calls that were made to Canada in May of 1992. The two additional calls made in 1992 and 1993 to the home of Patty's brother and sister-in-law were in regards to their possible move to Minnesota and rental property issues. These calls are being reimbursed for a total of $76.04

Exhibit "A"

4. Christian - Patty made $29.17 worth of calls from her husbands office. He usually brought home a personal computer to use or else Patty on occasion, used his office to work on his computer or send a fax.

5. Mark (A) - Calls amounting to ~~$105.25~~ 126.82 were made from Mark's home to Florian's home in Sturgeon Lake. Florian leased on a part-time basis from Mark.

5. Mark (B) - There was a call charged twice by Ramsey County to Alaska that was deleted from this report in the amount of $27.32. That leaves 6 unauthorized calls to Alaska that are being reimbursed for $59.66

6. Florian Jr. - There were 5 calls that were in some way related to Florian Jr. They may have been perhaps related to the death of his brother-in-law and nephew who both drowned at an amount of $20.57.

7. Sturgeon Lake (A) - There were ~~$1,158.33~~ 1,136.77 worth of calls to and from Florian's residence in Sturgeon Lake, Bloomington, and Brooklyn Center. There were also calls made to constituents and others which were considered improper such as the Carlton County Courthouse, State Capitol, Carlton County Veteran Service Officer, etc.

7. Sturgeon Lake (B) - These are calls to Florian's wife's relatives. Judy is a sister-in-law who runs the Mora Clinic which is in direct competition with Pine City, Hinckley, and Moose Lake Clinics. Calls to her sister MaryLou occurred in April and May of 1994 when her father had died. Florian assisted with a military funeral for his father-in-law who was a decorated ex-marine. These calls are being reimbursed, regardless of whether or not they were senate related business for the full amount of $141.11.

8. Loran Dolash - He was the majority shareholder of the Gambler and calls totaled $511.35 which were almost all made from his home phone and to his relatives.

9. Lorren Lindevig - There was one phone call for the amount of $0.68 He is a Union Steward and donates his music to many charity organizations along with Florian. His son has relied continuously for assistance from Florian's senate office.

10. MaryLou - This is Florian's sister-in-law who told investigators most of her calls were made to her sister Pat. The records show only 1 call was made to Pat. Her total amount was $90.22 which she has already reimbursed to the Secretary of the Senate, Pat Flaven.

11. Unknown - Of the 1,260 calls that were made, it excluded 160 calls made by Loran Dolash, 24 calls allegedly made by Jeff Chmielewski and 2 calls made by the Gambler. More than 50% of the remaining calls were either listed by having no place of origin or destination which amounted to $1,822.55.

Calls NOT to be included

	Non-Reimbursable			Reimbursable		
	Calls	Minutes	Amount	Calls	Minutes	Amount
1 Jeff				24	226.8	$80.59
2 Gambler				2	2.3	$0.82
8 Loran Dolash				160	1439	$511.35
Total				**186**	**1668.1**	**$592.76**

Calls to be included

	Non-Reimbursable			Reimbursable		
	Calls	Minutes	Amount	Calls	Minutes	Amount
3 Patty	150	1933.8	$687.18	2	214	$76.04
4 Ceridian	16	82.1	$29.17			
5 Mark	~~31~~ ~~84~~	~~256.9~~ ~~296.2~~	126.33 ~~$105.25~~	6	167.9	$59.66
6 Florian Jr.				5	57.9	$20.57
7 Sturgeon Lake	~~361~~ ~~368~~	~~3199.0~~ ~~3259.7~~	1,136.77 ~~$1,158.33~~	36	397.1	$141.11
9 Lorren Lindevig	1	1.9	$0.68			
10 MaryLou				10	253.9	$90.22
11 Unknown	642	5128.9	$1,822.50			
Total	**1201**	**10702.6**	**$3,803.18**	**59**	**1090.8**	**$387.60**

- 90.22 (MG)

$ 297.38

1-Jeff

##	Date	Time	Minutes	To	From	Amount
1	12/12/92	16:58	5.3	420-3453 Griep	7	$1.06
2	12/12/92	1:44	19.2	485-4511 Renata	673-9467	$3.84
3	12/12/92	15:16	1.2	468-6054 Pierz	673-9467	$0.24
4	12/12/92	15:16	1.9		673-9467	$0.38
5	12/12/92	15:18	6.4		673-9467	$1.28
6	12/12/92	18:45	5.2		673-9467	$1.04
7	12/12/92	18:51	1.9		673-9467	$0.38
8	12/12/92	15:18	5.7	468-6760 Pierz	673-9467	$1.14
9	12/19/92	15:01	18.2		673-9467	$3.64
10	1/1/93	19:29	1.3		1	$0.26
11	1/2/93	10:51	3.1		1	$0.62
12	1/31/93	1:36	8.6	485-4511 Renata	715-491-4999 WI	$1.72
13	2/6/93	17:54	2.2	420-9785 Griep		$0.44
14	2/22/93	21:19	16.8		673-9467	$3.36
15	2/25/93	15:28	1.3	702-896-8562 NV	673-9467	$0.26
16	2/27/93	0:37	16.5	359-9785 New Ulm	673-9467	$3.30
17	2/28/93	14:02	14.9		673-9467	$2.98
18	2/28/93	2:04	14.1	359-9785 New Ulm	673-9467	$2.82
19	3/2/93	12:25	1.6		673-9467	$0.32
20	3/7/93	2:01	1.2		493-0004	$0.24
21	3/7/93	2:04	73.9	436-1196 Julie	493-0004	$14.78
22	3/8/93	20:28	1.7	7	420-3453 Griep	$0.34
23	7/21/93	16:40	3.4		1	$0.68
24	8/17/93	13:51	1.2		1	$0.24
24			226.8			$45.36

$0.145	$32.89
$0.20	$45.36
	$78.25
$0.03	$2.35
	$80.59

2-Gambler

##	Date	Time	Minutes	To	From	Amount
1	1/19/93	13:38	0.7	7	2	$0.14
2	3/7/93	20:48	1.6	FL	2	$0.32
2			2.3			$0.46

$0.145	$0.33
$0.20	$0.46
	$0.79
$0.03	$0.02
	$0.82

3-Patty (A)

##	Date	Time	Minutes	To	From	Amount
1	12/6/92	11:33	2.5	7	3	$0.50
2	12/7/92	15:57	6.9	7	3	$1.38
3	12/8/92	15:36	4.3	7	3	$0.86
4	12/11/92	18:40	8.3	7	3	$1.66
5	12/11/92	22:27	15.3	7	3	$3.06
6	12/14/92	19:28	39	7	3	$7.80
7	12/17/92	11:58	14.4	7	3	$2.88
8	12/18/92	15:23	12.9	7	3	$2.58
9	12/18/92	18:17	18.6	7	3	$3.72
10	12/20/92	12:09	12.1	7	3	$2.42
11	12/20/92	20:36	29.6	7	3	$5.92
12	12/21/92	23:12	19.1	7	3	$3.82
13	12/22/92	18:03	1.7	372-3048 constituent	3	$0.34
14	12/22/92	22:19	9.5	7	3	$1.90
15	12/23/92	22:42	9.2	7	3	$1.84
16	12/24/92	15:11	18.4	7	3	$3.68
17	12/27/92	9:29	2.4	7	3	$0.48
18	12/28/92	11:15	39.5	7	3	$7.90
19	12/29/92	12:05	39.7	7	3	$7.94
20	12/30/92	21:43	40.1	7	3	$8.02
21	1/1/93	17:40	9.7	7	3	$1.94
22	1/3/93	16:46	1.5	7	3	$0.30
23	1/6/93	15:36	25.8	7	3	$5.16
24	1/7/93	19:45	8.8	7	3	$1.76
25	1/8/93	16:27	19.2	7	3	$3.84
26	1/11/93	21:54	11.4	7	3	$2.28
27	1/13/93	12:17	0.7	7	3	$0.14
28	1/13/93	22:22	4.6	7	3	$0.92
29	1/17/93	17:23	34.7	7	3	$6.94
30	1/19/93	12:01	0.8	7	3	$0.16
31	1/20/93	21:51	13.7	7	3	$2.74
32	1/20/93	22:05	15.6	485-4088 Jon Brown	3	$3.12
33	1/21/93	20:32	9.8	7	3	$1.96
34	1/21/93	22:34	10	7	3	$2.00
35	1/22/93	10:15	19	7	3	$3.80
36	1/22/93	10:55	3.4	7	3	$0.68
37	1/25/93	18:01	22.9	7	3	$4.58
38	1/25/93	19:10	4.6	7	3	$0.92
39	1/25/93	19:46	1.8	7	3	$0.36
40	1/26/93	20:31	10.5	7	3	$2.10
41	1/26/93	21:04	10.2	7	3	$2.04

# #	Date	Time	Minutes	To	From	Amount
42	1/27/93	21:50	3.7	7	3	$0.74
43	1/28/93	21:52	1.7	7	3	$0.34
44	1/28/93	22:06	9.2	7	3	$1.84
45	1/28/93	22:51	5.7	7	3	$1.14
46	1/31/93	12:11	14.7	7	3	$2.94
47	1/31/93	14:27	0.7	7	3	$0.14
48	2/2/93	15:18	22.7	7	3	$4.54
49	2/2/93	20:34	9.9	7	3	$1.98
50	2/3/93	19:30	2.2	7	3	$0.44
51	2/4/93	17:05	12.4	7	3	$2.48
52	2/6/93	17:13	3.2	7	3	$0.64
53	2/7/93	15:11	42.5	7	3	$8.50
54	2/7/93	21:34	21.4	7	3	$4.28
55	2/8/93	21:26	7.6	7	3	$1.52
56	2/8/93	19:10	16.6	7	3	$3.32
57	2/9/93	21:09	1.2	7	3	$0.24
58	2/10/93	18:47	26.2	7	3	$5.24
59	2/10/93	21:47	8	7	3	$1.60
60	2/11/93	19:58	6.4	7	3	$1.28
61	2/15/93	21:28	4.6	7	3	$0.92
62	2/17/93	21:54	3.3	7	3	$0.66
63	2/17/93	22:47	23.5	7	3	$4.70
64	2/18/93	15:00	24.6	7	3	$4.92
65	2/18/93	19:33	1	7	3	$0.20
66	2/19/93	15:55	20.4	7	3	$4.08
67	2/22/93	12:21	59.2	7	3	$11.84
68	2/22/93	15:29	6.8	7	3	$1.36
69	2/22/93	20:04	9.8	7	3	$1.96
70	2/22/93	21:55	2.1	7	3	$0.42
71	2/23/93	9:18	32.8	7	3	$6.56
72	2/23/93	22:41	7.3	7	3	$1.46
73	2/23/93	23:17	3.4	7	3	$0.68
74	2/24/93	18:52	0.9	7	3	$0.18
75	2/25/93	13:31	0.7	7	3	$0.14
76	2/26/93	10:32	15	7	3	$3.00
77	2/26/93	16:50	2.4	7	3	$0.48
78	2/26/93	17:22	3.6	7	3	$0.72
79	3/2/93	23:04	0.7	7	3	$0.14
80	3/2/93	18:47	44.4	7	3	$8.88
81	3/9/93	21:24	5.5	7	3	$1.10
82	3/9/93	22:23	11.6	7	3	$2.32
83	3/10/93	9:55	61.7	7	3	$12.34
84	3/10/93	22:23	28.8	7	3	$5.76
85	3/13/93	16:21	6.2	7	3	$1.24
86	3/15/93	23:23	32.9	7	3	$6.58
87	3/16/93	22:34	2.4	7	3	$0.48
88	3/17/93	19:58	0.7	7	3	$0.14
89	3/17/93	21:29	10.6	7	3	$2.12

# #	Date	Time	Minutes	To	From	Amount
90	3/19/93	11:13	16	7	3	$3.20
91	3/23/93	23:17	17.3	7	3	$3.46
92	3/24/93	21:39	4	7	3	$0.80
93	3/24/93	22:18	31.9	7	3	$6.38
94	3/28/93	23:20	0.7	7	3	$0.14
95	3/29/93	21:37	6.7	7	3	$1.34
96	3/29/93	22:26	14.9	7	3	$2.98
97	3/30/93	21:57	14.9	7	3	$2.98
98	3/31/93	20:27	18.6	7	3	$3.72
99	3/31/93	21:42	2.7	7	3	$0.54
100	4/1/93	15:43	22.3	7	3	$4.46
101	4/12/93	21:49	1.8	7	3	$0.36
102	4/12/93	22:25	2.1	7	3	$0.42
103	4/15/93	22:15	15.3	7	3	$3.06
104	4/19/93	18:24	2.8	7	3	$0.56
105	4/19/93	22:34	3.4	7	3	$0.68
106	4/19/93	22:41	1	7	3	$0.20
107	4/20/93	21:11	17.7	7	3	$3.54
108	4/21/93	13:39	0.8	7	3	$0.16
109	4/21/93	20:22	12.3	7	3	$2.46
110	4/21/93	21:12	17.8	7	3	$3.56
111	4/26/93	18:13	15.7	7	3	$3.14
112	4/26/93	21:23	9.4	7	3	$1.88
113	4/27/93	20:09	3.8	7	3	$0.76
114	4/27/93	22:29	6.3	7	3	$1.26
115	4/29/93	22:39	3.1	7	3	$0.62
116	5/9/93	13:36	0.8	7	3	$0.16
117	5/9/93	15:27	1.7	7	3	$0.34
118	5/12/93	3:01	17	485-4806 Zo Johnson	3	$3.40
119	5/12/93	10:37	4.5	9	3	$0.90
120	5/12/93	10:41	8.1	7	3	$1.62
121	5/13/93	9:59	14.9	7	3	$2.98
122	5/13/93	10:20	9.7	7	3	$1.94
123	5/14/93	10:51	3.7	7	3	$0.74
124	5/16/93	12:15	9.2	7	3	$1.84
125	5/16/93	9:10	1.6	7	3	$0.32
126	5/17/93	9:08	13.6	7	3	$2.72
127	5/18/93	12:32	5.3	7	3	$1.06
128	5/20/93	11:45	1.4	7	3	$0.28
129	5/20/93	6:11	1.5	7	3	$0.30
130	5/20/93	6:14	50.7	7	3	$10.14
131	5/20/93	7:29	16.7	7	3	$3.34
132	5/21/93	3:48	10.6	7	3	$2.12
133	5/22/93	6:37	3.2	7	3	$0.64
134	5/22/93	7:03	23.1	372-3214 Chester	3	$4.62
135	5/24/93	6:02	3	7	3	$0.60
136	5/24/93	9:24	21.3	7	3	$4.26
137	5/31/93	15:41	37.7	7	3	$7.54

##	Date	Time	Minutes	To	From	Amount
138	5.31.93	21:32	20.3	7	3	$4.06
139	6/6/93	22:00	24.5	7	3	$4.90
140	6/13/93	18:29	45	7	3	$9.00
141	6/13/93	20:42	15.2	7	3	$3.04
142	6/15/93	15:04	2.1	7	3	$0.42
143	6/16/93	21:21	13.4	7	3	$2.68
144	6/17/93	16:10	5.7	7	3	$1.14
145	6/20/93	11:34	10.2	7	3	$2.04
146	6/20/93	22:38	12.9	7	3	$2.58
147	6/25/93	8:12	0.9	(218) directory asst	3	$0.18
148	6/25/93	8:15	9.8	218-262-3481	3	$1.96
149	6/28/93	9:59	10.2	7	3	$2.04
150	6/30/93	21:58	15.9	7	3	$3.18
150			1933.8			$386.76

$0.145	$280.40
$0.20	$386.76
	$667.16
$0.03	$20.01
	$687.18

3-Patty (B)

##	Date	Time	Minutes	To	From	Amount
1	12/24/92	21:24	64.1	BC	3	$12.82
2	3/7/93	22:30	149.9	BC	3	$29.98
2			214			$42.80

$0.145	$31.03
$0.20	$42.80
	$73.83
$0.03	$2.21
	$76.04

4-Ceridian

##	Date	Time	Minutes	To	From	Amount
1	12/5/92	16:10	6.2	7	4	$1.24
2	12/7/92	22:36	6.8	7	4	$1.36
3	12/7/92	12:12	7.5	7	4	$1.50
4	1/28/93	15:50	10.8	7	4	$2.16
5	1/28/93	21:26	6	7	4	$1.20
6	1/29/93	12:42	4.8	7	4	$0.96
7	1/30/93	12:34	1.1	7	4	$0.22
8	1/30/93	22:13	7.3	7	4	$1.46
9	2/1/93	15:14	2.1	7	4	$0.42
10	2/23/93	11:48	7.5	7	4	$1.50
11	3/30/93	12:51	2.4	7	4	$0.48
12	4/1/93	11:53	4.7	922-9714	4	$0.94
13	6/15/93	12:03	1.4	922-9714	4	$0.28
14	6/15/93	21:29	1.6	7	4	$0.32
15	6/16/93	10:51	10.7	7	4	$2.14
16	6/17/93	12:46	1.2	7	4	$0.24
16			82.1			$16.42

$0.145	$11.90
$0.20	$16.42
	$28.32
$0.03	$0.85
	$29.17

5-Mark (A)

##	Date	Time	Minutes	To	From	Amount
1	12/5/92	16:18	11.2	7	5	$2.24
2	12/15/92	22:12	10.3	7	5	$2.06
3	12/19/92	18:43	3.7	7	5	$0.74
4	12/24/92	14:58	16.1	7	5	$3.22
5	12/24/92	18:26	3.4	7	5	$0.68
6	12/25/92	9:50	1.7	7	5	$0.34
7	12/27/92	14:30	1.9	7	5	$0.38
8	12/28/92	16:00	2.4	7	5	$0.48
9	12/31/92	12:07	55.2	7	5	$11.04
10	1/2/93	16:30	8	7	5	$1.60
11	1/14/93	9:42	5.9	7	5	$1.18
12	1/18/93	18:08	1.3	7	5	$0.26
13	2/5/93	21:53	4	7	5	$0.80
14	2/12/93	21:54	3.9	7	5	$0.78
15	2/15/93	9:43	52.4	7	5	$10.48
16	2/15/93	20:49	2.4	7	5	$0.48
17	2/16/93	13:46	7	7	5	$1.40
18	2/21/93	17:46	3	7	5	$0.60
19	3/9/93	11:30	49.4	7	5	$9.88
20	3/17/93	11:46	26.4	7	5	$5.28
21	3/23/93	12:47	8.7	7	5	$1.74
22	6/10/93	10:19	7.9	7	5	$1.58
23	6/19/93	13:29	4	7	5	$0.80
24	6/28/93	10:42	6	7	5	$1.20
~~24~~			~~296.2~~			~~$59.24~~
			356.9			71.38

$0.145	~~$48.05~~ 51.75	
$0.20	~~$50.24~~ 71.38	
	~~$102.19~~ 123.13	
$0.03	~~$3.07~~ 3.69	
	~~$105.25~~ 126.82	

25	6/4/93	7:17	7.5	7	5	$1.50
26	6/5/93	3:46	10.3	7	5	$2.06
27	6/7/93	11:24	4.4	7	5	.88
28	6/16/93	3:11	6.2	7	5	1.24
29	6/18/93	1:04	8.8	7	5	1.76
30	6/26/93	10:13	2.3	7	5	.46
31	6/28/93	10:26	19.2	7	5	3.84
			60.7			12.14

5-Mark (B)

##	Date	Time	Minutes	To	From	Amount
1	12/8/92	22:50	14.8	AK	5	$2.96
2	12/22/92	18:08	6.6	AK	5	$1.32
3	12/27/92	18:22	31.6	AK	5	$6.32
4	12/27/92	20:38	24.5	AK	5	$4.90
5	2/28/93	21:18	75.9	AK	5	$15.18
6	3/8/93	20:00	14.5	AK	5	$2.90
6			167.9			$33.58

$0.145	$24.35
$0.20	$33.58
	$57.93
$0.03	$1.74
	$59.66

6-Florian Jr.

##	Date	Time	Minutes	To	From	Amount
1	12/26/92	22:28	4.7	6	441-9929 Elk River	$0.94
2	1/1/93	10:23	27.4	421-8886	ND	$5.48
3	6/1/93	21:59	7.8	6	218-246-2392	$1.56
4	6/3/93	21:50	1.6	219-246-8707	6	$0.32
5	6/25/93	8:28	16.4	421-8886	Hibbing	$3.28
5			57.9			$11.58

$0.145	$8.40
$0.20	$11.58
	$19.98
$0.03	$0.60
	$20.57

7-Sturgeon Lake (A)

##	Date	Time	Minutes	To	From	Amount
1	7/29/92	11:56	6.5	7	679-1816 Mora	$1.30
2	12/5/92	18:06	4.1	7	218-721-xxxx	$0.82
3	12/5/92	11:45	12.5	4	7	$2.50
4	12/5/92	23:56	4.5	4	7	$0.90
5	12/6/92	21:29	1	7	420-9903	$0.20
6	12/6/92	18:03	8.5	7	6	$1.70
7	12/6/92	20:53	3.1	3	7	$0.62
8	12/6/92	22:39	3.6	3	7	$0.72
9	12/6/92	18:59	8	3	7	$1.60
10	12/6/92	12:16	13.7	3	7	$2.74
11	12/8/92	19:58	20.3	3	7	$4.06
12	12/9/92	18:21	19.2	1	7	$3.84
13	12/9/92	10:31	20.4	3	7	$4.08
14	12/9/92	19:59	20.9	5	7	$4.18
15	12/9/92	18:20	0.7	2	7	$0.14
16	12/10/92	21:47	3.8	1	7	$0.76
17	12/10/92	16:27	8.2	3	379-9808	$1.64
18	12/11/92	23:12	6.1	1	777-9960 St. Paul	$1.22
19	12/12/92	12:56	2	1	7	$0.40
20	12/12/92	16:36	1.7	1	7	$0.34
21	12/12/92	15:52	3.5	1	7	$0.70
22	12/12/92	15:56	4.1	1	7	$0.82
23	12/12/92	11:51	0.7	6	7	$0.14
24	12/12/92	12:52	1.1	6	7	$0.22
25	12/12/92	22:54	2.7	7	425-xxxx	$0.54
26	12/12/92	12:51	0.7	6	7	$0.14
27	12/12/92	12:52	1.1	6	7	$0.22
28	12/12/92	10:53	1	9	7	$0.20
29	12/12/92	10:55	8.4	879-2361 Cloquet	7	$1.68
30	12/13/92	13:24	7.7	1	7	$1.54
31	12/13/92	22:34	19.4	6	831-xxxx	$3.88
32	12/14/92	13:47	19.7	2	7	$3.94
33	12/16/92	22:17	1.2	1	7	$0.24
34	12/16/92	18:58	1.4	5	7	$0.28
35	12/17/92	17:56	4.2	560-2732	7	$0.84
36	12/18/92	16:27	1.7	2	7	$0.34
37	12/18/92	16:25	1.1	1	7	$0.22
38	12/18/92	22:25	2.4	7	6	$0.48
39	12/19/92	11:16	15	1	7	$3.00
40	12/19/92	12:59	2.2	1	7	$0.44
41	12/19/92	16:31	1	7	6	$0.20

# #	Date	Time	Minutes	To	From	Amount
42	12 19/92	11:23	7.8	3	7	$1 56
43	12/19/92	11:56	7	3	869-9292 Pay Phone	$1.40
44	12/19/92	14:03	2.9	5	7	$0.58
45	12/20/92	1:45	1.4	6	332-xxxx	$0.28
46	12/20/92	19:25	11.3	7	6	$2.26
47	12/22/92	23:33	4.4	6	7	$0.88
48	12/22/92	12:53	6.3	6	757-9917	$1.26
49	12/22/92	18:13	12	7	6	$2.40
50	12/22/92	23:30	0.7	7	6	$0.14
51	12 22/92	15:15	3.7	5	local	$0.74
52	12/23/92	22:10	1.3	1	7	$0.26
53	12/23/92	20:20	4.4	6	7	$0.88
54	12/23/92	16:26	4.3	5	7	$0.86
55	12/24/92	23:30	43.3	3	7	$8.66
56	12/25/92	12:20	1	7	6	$0.20
57	12/25/92	23:25	4.8	5	7	$0.96
58	12/26/92	23:04	13.8	3	7	$2.76
59	12/28/92	10:03	9.4	1	7	$1.88
60	12/28/92	12:56	2	1	7	$0.40
61	12/28/92	12:26	1.7	3	881-9798	$0.34
62	12/28/92	17:59	20.1	3	7	$4.02
63	12/30/92	19:30	17.7	1	7	$3.54
64	12/30/92	19:25	3.5	7	6	$0.70
65	12/30/92	22:26	9.1	3	7	$1.82
66	12/31/92	12:55	1.3	420-3039	255-xxxx St. Cloud	$0.26
67	12/31/92	12:57	9.9	424-5807	255-xxxx St. Cloud	$1.98
68	12/31/92	13:08	2.1	1	255-xxxx St. Cloud	$0.42
69	12/31/92	14:34	2.1	1	352-9247 Motley	$0.42
70	12/31/92	12:49	5.5	1	255-xxxx St. Cloud	$1.10
71	12/31/92	18:03	1.2	3	881-9786 Pay Phone	$0.24
72	1/1/93	0:49	1.5	1	701-772-9748 ND	$0.30
73	1/2/93	14:40	15.9	3	7	$3.18
74	1/3/93	13:19	20.1	7	731-7829	$4.02
75	1/3/93	16:17	11.9	1	7	$2.38
76	1/3/93	16:16	1.4	6	7	$0.28
77	1/3/93	19:32	9.5	7	6	$1.90
78	1/3/93	21:08	10.2	7	6	$2.04
79	1/3/93	16:53	19.9	3	7	$3.98
80	1/13/93	12:06	1.4	6	Shakopee	$0.28
81	1/13/93	12:08	1.1	6	Shakopee	$0.22
82	1/13/93	12:25	14.8	3	7	$2.96
83	1/16/93	22:50	1.1	7	6	$0.22
84	1/17/93	20:32	23.5	7	6	$4.70
85	1/18/93	20:01	59.6	7	6	$11.92
86	1/24/93	21:52	9.1	7	6	$1.82
87	1/26/93	17:59	2.2	3	331-9649 Mpls.	$0.44
88	1/28/93	19:49	9.4	4	7	$1.88
89	1/29/93	22:41	8	3	7	$1.60

##	Date	Time	Minutes	To	From	Amount
90	1 29 93	23:14	19.6	3	7	$3.92
91	1/30/93	19:08	0.7	7	6	$0.14
92	1/30/93	19:10	0.8	7	6	$0.16
93	1/30/93	15:36	7.6	4	7	$1.52
94	1/30/93	20:42	7.2	4	7	$1.44
95	1/30/93	11:33	1.8	4	7	$0.36
96	1/30/93	22:24	4.3	4	7	$0.86
97	1/31/93	13:19	6	7	6	$1.20
98	2/1/93	9:36	5.1	4	7	$1.02
99	2/1/93	9:47	2.6	4	7	$0.52
100	2/1/93	10:07	8.7	4	7	$1.74
101	2/1/93	10:45	5	4	7	$1.00
102	2/3/93	22:38	24.2	1	7	$4.84
103	2/5/93	19:27	16.1	3	7	$3.22
104	2/5/93	19:44	6.7	5	7	$1.34
105	2/6/93	14:00	2.7	1	7	$0.54
106	2/6/93	9:31	2.7	3	7	$0.54
107	2/6/93	13:43	7.7	3	7	$1.54
108	2/9/93	21:37	5.4	7	6	$1.08
109	2/9/93	21:58	32.9	7	6	$6.58
110	2/11/93	20:57	1.2	1	7	$0.24
111	2/11/93	18:55	5.2	7	6	$1.04
112	2/21/93	21:40	14.1	7	6	$2.82
113	2/22/93	22:21	13.4	1	726-9667 Pay Phone	$2.68
114	2/23/93	19:00	1.3	7	6	$0.26
115	2/23/93	15:34	33	3	7	$6.60
116	2/26/93	17:10	11.1	7	6	$2.22
117	3/1/93	16:57	1.4	3	7	$0.28
118	3/1/93	16:04	1.2	4	881-9731	$0.24
119	3/2/93	16:33	1.7	503-295-2924 OR	7	$0.34
120	3/2/93	11:48	2.4	212-713-2000 NY	7	$0.48
121	3/4/93	15:43	3.4	4	881-9761	$0.68
122	3/5/93	18:22	30.5	3	7	$6.10
123	3/6/93	11:43	10.1	3	7	$2.02
124	3/6/93	11:56	1.6	5	7	$0.32
125	3/7/93	21:53	31.3	770-0768 St. Paul	7	$6.26
126	3/7/93	11:51	8.3	7	6	$1.66
127	3/7/93	12:42	2	7	6	$0.40
128	3/7/93	19:32	38.1	7	6	$7.62
129	3/7/93	11:39	3	6	7	$0.60
130	3/7/93	11:45	2.7	5	7	$0.54
131	3/7/93	12:00	1.4	5	7	$0.28
132	3/8/93	17:47	3.2	1	7	$0.64
133	3/8/93	20:04	8.3	6	7	$1.66
134	3/8/93	9:48	6	3	7	$1.20
135	3/8/93	14:34	9	3	7	$1.80
136	3/11/93	17:18	8	4	831-9813	$1.60
137	3/12/93	12:23	2	7	559-6959 Mpls.	$0.40

# #	Date	Time	Minutes	To	From	Amount
138	3/12/93	20:34	0.7	7	6	$0.14
139	3/13/93	19:17	4.5	757-5450 Donnie	7	$0.90
140	3/13/93	14:28	6.1	1	7	$1.22
141	3/13/93	14:18	8.3	7	6	$1.66
142	3/13/93	10:16	10	3	7	$2.00
143	3/13/93	14:35	2.4	3	7	$0.48
144	3/13/93	21:52	15.1	3	7	$3.02
145	3/14/93	16:51	12.2	5	7	$2.44
146	3/14/93	16:51	12.2	5	7	$2.44
147	3/17/93	23:37	50.7	7	6	$10.14
148	3/17/93	20:57	24.7	3	7	$4.94
149	3/20/93	11:06	1	1	7	$0.20
150	3/20/93	16:27	9.5	7	6	$1.90
151	3/20/93	11:21	1.2	6	7	$0.24
152	3/20/93	10:32	1.6	9	7	$0.32
153	3/21/93	10:01	18.1	303-420-7328 CO	7	$3.62
154	3/21/93	22:22	6	424-2958	7	$1.20
155	3/21/93	22:40	6.3	3	7	$1.26
156	3/22/93	20:13	5.6	1	7	$1.12
157	3/22/93	22:19	26.3	6	7	$5.26
158	3/22/93	15:22	30.2	3	7	$6.04
159	3/22/93	17:21	4.3	3	7	$0.86
160	3/22/93	18:14	5.8	3	7	$1.16
161	3/22/93	22:48	24.1	3	7	$4.82
162	3/23/93	22:40	15.1	3	7	$3.02
163	3/24/93	16:16	4.5	6		$0.90
164	3/25/93	20:09	2.1	6	291-9904	$0.42
165	3/25/93	23:10	33.1	6	7	$6.62
166	3/25/93	23:50	10.9	6	7	$2.18
167	3/26/93	13:54	16.9	7	6	$3.38
168	3/26/93	9:56	14	3	7	$2.80
169	3/26/93	22:23	21.6	3	7	$4.32
170	3/26/93	11:37	0.7	4	881-9016	$0.14
171	3/27/93	20:51	4.1	757-5450 Donnie	7	$0.82
172	3/27/93	18:45	2.9	6	421-9759	$0.58
173	3/27/93	20:44	5.5	6	7	$1.10
174	3/28/93	21:40	7.5	3	7	$1.50
175	3/28/93	22:10	37.2	3	7	$7.44
176	3/29/93	17:44	2.8	3	7	$0.56
177	3/30/93	21:45	1.1	3	7	$0.22
178	3/30/93	12:34	0.9	4	7	$0.18
179	3/31/93	9:56	9.5	4	7	$1.90
180	3/31/93	12:19	1.1	4	7	$0.22
181	3/31/93	15:42	1.6	4	7	$0.32
182	4/1/93	13:14	2	1	7	$0.40
183	4/1/93	23:22	3.6	1	7	$0.72
184	4/1/93	19:09	9.7	3	7	$1.94
185	4/6/93	21:09	12.5	4	7	$2.50

# #	Date	Time	Minutes	To	From	Amount
186	4/9/93	20:45	11.8	522-3140 Mpls.	7	$2.36
187	4/9/93	21:21	1.4	1	7	$0.28
188	4/9/93	19:22	10.6	5	7	$2.12
189	4/9/93	19:22	10.6	5	7	$2.12
190	4/10/93	9:58	2.2	5	7	$0.44
191	4/10/93	10:06	1.3	5	7	$0.26
192	4/10/93	9:58	2.2	5	7	$0.44
193	4/10/93	10:06	1.3	5	7	$0.26
194	4/12/93	11:02	7.7	3	7	$1.54
195	4/12/93	20:41	15.5	3	7	$3.10
196	4/12/93	22:04	13.8	3	7	$2.76
197	4/13/93	20:45	0.8	3	7	$0.16
198	4/13/93	20:59	9.4	3	7	$1.88
199	4/13/93	22:05	7.5	3	7	$1.50
200	4/14/93	22:49	2.2	7	291-9901 St. Paul	$0.44
201	4/14/93	9:34	29.3	3	7	$5.86
202	4/17/93	12:40	1.1	7	218-721-xxxx	$0.22
203	4/17/93	20:10	13.8	3	7	$2.76
204	4/18/93	17:38	17.6	3	7	$3.52
205	4/18/93	21:57	3.9	9	7	$0.78
206	4/19/93	19:21	3.5	7	881-9786 Mpls.	$0.70
207	4/19/93	19:30	6.6	7	881-9786 Mpls.	$1.32
208	4/19/93	20:32	5.2	3	7	$1.04
209	4/21/93	22:29	20.9	6	7	$4.18
210	4/21/93	19:04	11.5	3	7	$2.30
211	4/23/93	22:26	1.1	1	7	$0.22
212	4/24/93	20:42	10.4	1	7	$2.08
213	4/24/93	21:56	17.3	1	7	$3.46
214	4/24/93	14:59	1.8	3	881-9707 Mpls.	$0.36
215	4/24/93	9:43	14.9	3	7	$2.98
216	4/24/93	21:50	1.5	3	7	$0.30
217	4/24/93	20:54	11.2	5	7	$2.24
218	4/24/93	21:28	2.8	5	7	$0.56
219	4/24/93	20:54	11.2	5	7	$2.24
220	4/24/93	21:28	2.8	5	7	$0.56
221	4/25/93	19:54	3.8	7	218-773-9052	$0.76
222	4/25/93	18:50	43.8	3	7	$8.76
223	4/26/93	11:45	14.2	3	7	$2.84
224	4/26/93	19:38	4	5	7	$0.80
225	4/26/93	20:48	11.2	5	7	$2.24
226	4/26/93	19:38	4	5	7	$0.80
227	4/26/93	20:48	11.2	5	7	$2.24
228	4/27/93	11:45	1.5	3	7	$0.30
229	4/27/93	14:27	14	3	7	$2.80
230	4/27/93	15:57	2.5	3	7	$0.50
231	4/28/93	9:45	36.6	3	7	$7.32
232	5/2/93	17:58	21	7	507-281-xxxx	$4.20
233	5/2/93	20:41	2.7	7	507-281-xxxx	$0.54

##	Date	Time	Minutes	To	From	Amount
234	5/2/93	20:45	4.9	6	507-281-xxxx	$0.98
~~235~~	~~5/4/93~~	~~7:17~~	~~7.5~~	~~7~~	~~5~~	~~$1.50~~
~~236~~	~~5/5/93~~	~~8:56~~	~~16.3~~	~~7~~	~~5~~	~~$3.26~~
~~237~~	~~5/7/93~~	~~5:24~~	~~4.4~~	~~7~~	~~5~~	~~$0.88~~
238	5/7/93	5:30	0.9	5	7	$0.18
239	5/7/93	10:00	4.2	9	7	$0.84
240	5/7/93	10:29	1.8	9	7	$0.36
241	5/8/93	10:29	5.2	879-2361 Cloquet	7	$1.04
242	5/8/93	11:14	1.4	1	7	$0.28
243	5/8/93	8:53	18.4	3	7	$3.68
244	5/8/93	6:23	1.1	757-5450 Donnie	7	$0.22
245	5/8/93	9:57	1.5	9	6	$0.30
246	5/8/93	10:01	23.6	7	7	$4.72
247	5/12/93	9:56	8.4	5	7	$1.68
248	5/12/93	19:04	1.8	7	883-9820 Mpls.	$0.36
249	5/12/93	19:07	3.8	7	883-9820 Mpls.	$0.76
250	5/13/93	16:25	1.2	7	921-7180 Mpls.	$0.24
251	5/13/93	17:58	1.1	3	7	$0.22
252	5/14/93	12:33	1	4	7	$0.20
253	5/14/93	10:00	14.4	4	7	$2.88
254	5/14/93	8:02	1.4	3	7	$0.28
255	5/15/93	10:13	5.4	3	7	$1.08
256	5/15/93	8:35	17.1	3	7	$3.42
257	5/16/93	3:39	9.1	4	7	$1.82
258	5/16/93	6:49	4.3	4	7	$0.86
259	5/16/93	8:48	1	1	7	$0.20
260	5/16/93	11:18	2.4	3	7	$0.48
~~261~~	~~5/16/93~~	~~8:11~~	~~6.2~~	~~7~~	~~5~~	~~$1.24~~
262	5/17/93	3:15	4.5	3	7	$0.90
263	5/18/93	10:52	14.9	3	7	$2.98
264	5/18/93	1:18	11.9	3	7	$2.38
~~265~~	~~5/18/93~~	~~1:04~~	~~8.8~~	~~7~~	~~5~~	~~$1.76~~
266	5/19/93	9:31	10.7	5	7	$2.14
267	5/20/93	3:33	14.2	296-4182 Capitol	7	$2.84
268	5/20/93	10:10	3.7	1	7	$0.74
269	5/20/93	10:20	40.1	6	7	$8.02
270	5/20/93	10:16	0.7	1	7	$0.14
271	5/20/93	10:22	44.5	5	7	$8.90
272	5/24/93	3:10	3	5	7	$0.60
273	5/24/93	20:09	17	493-4831 Jaakkola	7	$3.40
274	5/24/93	21:13	3	866-9202	7	$0.60
275	5/25/93	9:57	0.6	5	7	$0.12
276	5/25/93	8:57	10.1	5	7	$2.02
277	5/25/93	9:43	2.5	5	7	$0.50
~~278~~	~~5/25/93~~	~~10:22~~	~~2.3~~	~~7~~	~~5~~	~~$0.46~~
~~279~~	~~5/25/93~~	~~10:26~~	~~15.2~~	~~7~~	~~5~~	~~$3.04~~
280	5/26/93	8:44	1.2	1	7	$0.24
281	5/26/93	9:04	1.8	1	7	$0.36

##	Date	Time	Minutes	To	From	Amount
282	5/26/93	9:47	4.6	5	7	$0.92
283	5/26/93	5:31	4.2	5	7	$0.84
284	5/26/93	7:09	5.1	5	7	$1.02
285	5/28/93	23:40	1.4	1	7	$0.28
286	5/28/93	22:31	23.4	7	6	$4.68
287	5/28/93	22:33	20.2	7	6	$4.04
288	5/30/93	17:46	4.6	1	7	$0.92
289	5/30/93	14:20	0.9	7	6	$0.18
290	5/30/93	14:26	18.8	6	7	$3.76
291	5/31/93	14:50	51.5	377-3852	7	$10.30
292	5/31/93	21:59	17.4	7	6	$3.48
293	5/31/93	7:18	1.8	7	6	$0.36
294	5/31/93	17:15	1.3	9	7	$0.26
295	5/31/93	17:09	5	5	7	$1.00
296	6/6/93	22:50	26.5	599-2869 Mine Center	7	$5.30
297	6/6/93	20:06	13.4	1	7	$2.68
298	6/6/93	20:22	4.6	Cloquet	7	$0.92
299	6/7/93	13:15	1.1	1	7	$0.22
300	6/7/93	22:20	17.2	6	7	$3.44
301	6/7/93	23:00	10.6	6	7	$2.12
302	6/8/93	9:55	1.1	1	7	$0.22
303	6/8/93	10:02	11.2	1	7	$2.24
304	6/8/93	21:22	6.3	3	7	$1.26
305	6/9/93	9:50	24.5	384-4211 Court Hse	7	$4.90
306	6/9/93	10:34	18	723-1742 Duluth	7	$3.60
307	6/9/93	10:59	1.3	588-1929 Irene	7	$0.26
308	6/9/93	15:42	11.1	384-4281 Court Hse	7	$2.22
309	6/9/93	20:29	13.7	588-1929 Irene	7	$2.74
310	6/9/93	20:46	6.6	432-8622	7	$1.32
311	6/10/93	9:47	21.3	3	7	$4.26
312	6/10/93	10:14	1.6	5	7	$0.32
313	6/10/93	17:15	2.6	5	Brainerd	$0.52
314	6/11/93	21:46	9.7	1	7	$1.94
315	6/11/93	22:09	8.3	1	7	$1.66
316	6/11/93	21:28	2.3	7	6	$0.46
317	6/11/93	22:03	5.4	6	7	$1.08
318	6/11/93	22:34	1.2	6	7	$0.24
319	6/11/93	22:40	19.6	7	6	$3.92
320	6/11/93	21:58	4.7	9	7	$0.94
321	6/11/93	22:18	8.1	9	7	$1.62
322	6/11/93	21:34	5.5	5	7	$1.10
323	6/12/93	21:59	21.8	5	7	$4.36
324	6/13/93	21:57	1.2	7	682-9903 Ashland,WI	$0.24
325	6/14/93	20:05	32	3	7	$6.40
326	6/15/93	14:19	17.7	384-4281 Court Hse	7	$3.54
327	6/15/93	15:11	5.7	686-8115 St. Paul	7	$1.14
328	6/15/93	19:17	2.3	4	7	$0.46
329	6/15/93	21:42	14.9	4	7	$2.98

##	Date	Time	Minutes	To	From	Amount
330	6/16/93	15.03	13.4	296-4182 Capitol	7	$2.68
331	6/16/93	19:54	0.8	1	384-7191 Hinckley	$0.16
332	6/16/93	22:59	7.9	7	6	$1.58
333	6/16/93	18:57	6.1	3	7	$1.22
334	6/17/93	16:05	3.2	5	7	$0.64
335	6/18/93	17:32	6.8	1	7	$1.36
336	6/18/93	9:19	24.1	3	7	$4.82
337	6/18/93	16:39	1.7	5	560-9882	$0.34
338	6/18/93	20:59	19.1	5	7	$3.82
339	6/19/93	10:12	3.9	629-2352 Pine City	7	$0.78
340	6/19/93	20:01	16.5	3	7	$3.30
341	6/20/93	21:40	22.7	384-4961 Carlton	7	$4.54
342	6/20/93	20:34	13.3	1	7	$2.66
343	6/20/93	21:04	32.9	6	7	$6.58
344	6/20/93	22:31	1.4	9	7	$0.28
345	6/20/93	22:34	3.6	879-2361	7	$0.72
346	6/21/93	10:24	5.6	Garfield, MN	7	$1.12
347	6/22/93	9:44	15	879-6703 Cloquet	7	$3.00
348	6/22/93	20:00	8.5	1	7	$1.70
349	6/22/93	18:07	2.1	1	7	$0.42
350	6/22/93	17:29	1.2	686-5371	6	$0.24
351	6/22/93	17:41	3.9	6	7	$0.78
352	6/22/93	20:10	4.3	6	7	$0.86
353	6/24/93	8:50	5.6	7	262-3481 Hibbing	$1.12
354	6/25/93	9:04	3.4	3	262-3481 Hibbing	$0.68
355	6/25/93	9:08	1.2	3	262-3481 Hibbing	$0.24
356	6/26/93	19:24	1.2	3	262-3481 Hibbing	$0.24
357	6/27/93	22:49	11.7	7	6	$2.34
358	6/28/93	9:57	0.7	3	7	$0.14
359	6/29/93	9:30	1.7	9	7	$0.34
360	6/29/93	10:08	5.3	9	7	$1.06
361	6/30/93	18:08	8.2	7	6	$1.64
362	6/30/93	22:33	0.9	6	7	$0.18
363	6/30/93	23:08	8	7	6	$1.60
364	6/30/93	18:05	2.5	3	7	$0.50
365	7/6/93	20:20	1.1		6	$0.22
366	7/22/93	11:49	0.5	7	588-1929 Irene	$0.10
367	7/22/93	11:50	0.5	7	588-1929 Irene	$0.10
368	4/7/94	18:16	2	9	St. Paul	$0.40
~~368~~ 361			~~3259.7~~ 3,199.0			~~$651.94~~ 639.80

$0.145	~~$472.66~~	463.66
$0.20	~~$651.94~~	639.80
	~~$1,124.60~~	1,103.66
$0.03	~~$33.74~~	33.11
	~~$1,158.33~~	1,136.77

7-Sturgeon Lake (B)

##	Date	Time	Minutes	To	From	Amount
1	2/3/93	11:42	19.5	CA	7	$3.90
2	3/8/93	9:09	16.7	624-7547	7	$3.34
3	3/15/93	11:07	2.1	679-1816	7	$0.42
4	3/16/93	12:20	18.1	679-1816	7	$3.62
5	3/23/93	20:00	10	679-1816	7	$2.00
6	3/25/93	20:44	42.3	624-7547	7	$8.46
7	3/25/93	21:50	13.8	679-1816	7	$2.76
8	3/28/93	13:11	1.2	679-1816	7	$0.24
9	3/28/93	23:04	6.1	679-1816	7	$1.22
10	4/1/93	9:41	3.7	624-7547	7	$0.74
11	4/12/93	18:05	16.6	624-7547	7	$3.32
12	4/12/93	18:24	10.6	679-1816	7	$2.12
13	4/12/93	16:49	3.6	624-7547	7	$0.72
14	5/5/93	10:08	3.8	624-7547	7	$0.76
15	5/6/93	6:28	14.8	624-7547	7	$2.96
16	5/6/93	10:27	10.2	624-7547	7	$2.04
17	5/21/93	10:47	29.1	624-7547	7	$5.82
18	5/28/93	12:45	13.9	624-7547	7	$2.78
19	4/6/94	20:18	13	679-1816	7	$2.60
20	4/7/94	9:24	10	624-7547	7	$2.00
21	4/7/94	15:56	1	624-7547	7	$0.20
22	4/9/94	16:41	20	624-7547	7	$4.00
23	4/11/94	8:59	10	624-7547	7	$2.00
24	4/17/94	14:26	1	679-1816	7	$0.20
25	4/19/94	14:35	1	624-7547	7	$0.20
26	4/20/94	11:41	5	679-1816	7	$1.00
27	4/20/94	12:39	2	679-1816	7	$0.40
28	5/1/94	9:31	3	679-1816	7	$0.60
29	5/4/94	14:59	16	679-1816	7	$3.20
30	5/7/94	9:28	1	679-1816	7	$0.20
31	5/7/94	16:13	9	679-1816	7	$1.80
32	5/10/94	20:01	27	679-1816	7	$5.40
33	5/31/94	12:29	1	679-1816	7	$0.20
34	5/31/94	12:46	1	679-1816	7	$0.20
35	6/2/94	19:21	16	679-1816	7	$3.20
36	6/9/94	22:25	24	679-1816	7	$4.80
36			397.1			$79.42

$0.145	$57.58
$0.20	$79.42
	$137.00
$0.03	$4.11
	$141.11

— 8-Loran Dolash

##	Date	Time	Minutes	To	From	Amount
1	12/7/92	20:09	6.4	8	715-381-1233 WI	$1.28
2	12/7/92	20:39	20		8	$4.00
3	12/7/92	20:08	0.7	2		$0.14
4	12/8/92	18:29	1.9		8	$0.38
5	12/8/92	19:27	9.9		8	$1.98
6	12/8/92	16:09	9.7	2	WI	$1.94
7	12/9/92	19:17	18	xxx-2130 Iowa	8	$3.60
8	12/9/92	20:44	24.4	xxx-2868 Wisconsin	8	$4.88
9	12/10/92	20:26	14.4	715-455-0119 TX	8	$2.88
10	12/10/92	21:12	1.3		8	$0.26
11	12/10/92	21:44	6.9	xxx-2130 Iowa	8	$1.38
12	12/11/92	11:30	12.5	379-1411	507-831-xxxx	$2.50
13	12/11/92	12:59	23.6	xxx-2498 Wisconsin	8	$4.72
14	12/11/92	16:23	10.2	xxx-2498 Wisconsin	8	$2.04
15	12/12/92	17:40	1.8	8	332-xxxx Mpls.	$0.36
16	12/12/92	20:01	8.2	8	689-9971 Cambridge	$1.64
17	12/12/92	20:10	0.9	1	689-9971 Cambridge	$0.18
18	12/12/92	20:01	8.1	1	689-9971 Cambridge	$1.62
19	12/12/92	20:09	1		689-9971 Cambridge	$0.20
20	12/14/92	10:46	14.9	xxx-2498 Wisconsin	8	$2.98
21	12/15/92	13:29	7.9	xxx-2498 Wisconsin	8	$1.58
22	12/15/92	19:21	12		8	$2.40
23	12/15/92	19:34	35.2		8	$7.04
24	12/16/92	16:50	18	xxx-2498 Wisconsin	8	$3.60
25	12/16/92	19:28	20.6	xxx-2130 Iowa	8	$4.12
26	12/19/92	13:05	1.9		2	$0.38
27	12/21/92	8:46	6	xxx-2498 Wisconsin	8	$1.20
28	12/21/92	14:02	.7	xxx-2498 Wisconsin	8	$1.40
29	12/21/92	18:32	8		8	$1.60
30	12/21/92	21:27	30.9		8	$6.18
31	12/26/92	19:08	14.1	484-2130 Iowa	218-749-1007	$2.82
32	12/26/92	10:16	4.9	xxx-2498 Wisconsin	218-749-1007	$0.98
33	12/26/92	18:48	8.4	xxx-2498 Wisconsin	8	$1.68
34	12/27/92	14:35	10.1	xxx-2498 Wisconsin	8	$2.02
35	12/29/92	8:20	2.2	xxx-1246 Iowa	218-749-1007	$0.44
36	12/29/92	8:23	2.1	xxx-2130 Iowa	8	$0.42
37	12/29/92	9:06	2.4	xxx-2130 Iowa	8	$0.48
38	1/1/93	13:34	1		8	$0.20
39	1/2/93	19:36	23	IA	8	$4.60
40	1/2/93	9:49	1.1	WI	8	$0.22
41	1/2/93	12:48	4.6	WI	8	$0.92

# #	Date	Time	Minutes	To	From	Amount
42	1 4 93	8 56	8.8	WI	8	$1 76
43	1.11/93	9:44	1		8	$0.20
44	1 11/93	9:46	2.8	WI	8	$0.56
45	1/11/93	14:07	2.9		8	$0.58
46	1/11/93	14:20	12.3	WI	8	$2.46
47	1/11/93	14:41	1.4		8	$0.28
48	1/12/93	9:55	5.9	WI	8	$1.18
49	1/13/93	10:06	1.3		8	$0.26
50	1/13/93	20:00	11.7	IA	8	$2.34
51	1/14/93	8:10	6.6	WI	8	$1.32
52	1/14/93	11:26	1.2		8	$0.24
53	1/14/93	13:07	13.1	WI	8	$2.62
54	1/14/93	19:38	19.9	IA	8	$3.98
55	1/14/93	17:30	15.9	WI	8	$3.18
56	1/14/93	1750	7.8	WI	8	$1.56
57	1/14/93	13:32	46.5	IA	8	$9.30
58	1/18/93	11:20	1.4		8	$0.28
59	1/18/93	12:41	9.7	WI	8	$1.94
60	1/18/93	21:06	14.7		8	$2.94
61	1/19/93	21:52	8.1	8		$1.62
62	1/19/93	15:39	7.6	WI	8	$1.52
63	1/19/93	20:37	9.1	IA	8	$1.82
64	1/20/93	14:13	4.7	WI	8	$0.94
65	1/20/93	16:04	26.5	IA	8	$5.30
66	1/21/93	12:23	7.5		2	$1.50
67	1/22/93	10:13	8.9	WI	8	$1.78
68	1/22/93	12:48	5.3		8	$1.06
69	1/23/93	9:27	15.5	IA	8	$3.10
70	1/23/93	10:02	1.3		8	$0.26
71	1/24/93	11:21	1.7		8	$0.34
72	1/25/93	7:57	10.1		8	$2.02
73	1/25/93	19:07	18.8	IA	8	$3.76
74	1/26/93	16:00	16.7	WI	8	$3.34
75	1/26/93	20:16	3.1	WI	8	$0.62
76	1/26/93	20:21	19.4	IA	8	$3.88
77	1/27/93	20:49	3.7	8		$0.74
78	1/27/93	12:03	1.5	2	715-345-xxxx WI	$0.30
79	1/27/93	12:06	4.2	8	715-345-xxxx WI	$0.84
80	1/28/93	18:18	0.7	WI	8	$0.14
81	1/28/93	21:00	3	IA	8	$0.60
82	1/29/93	17:26	15.5	2		$3.10
83	1/29/93	13:00	17.2	WI	8	$3.44
84	1/31/93	17:28	0.9	8		$0.18
85	1/31/93	22:42	5.2	1	507-831-xxxx	$1.04
86	2/1/93	13:00	8.5	WI	8	$1 70
87	2/1/93	19:04	18		8	$3.60
88	2/2/93	18:47	15.8	TX	8	$3.16
89	2/3/93	13:25	10.2	WI	8	$2.04

# #	Date	Time	Minutes	To	From	Amount
90	2/5/93	20:37	10.1	8		$2.02
91	2/6/93	9:08	12	IA	8	$2.40
92	2/6/93	13:56	3.6	2		$0.72
93	2/6/93	16:32	5.5		2	$1.10
94	2/8/93	9:43	2.8	WI	8	$0.56
95	2/8/93	11:47	8.9		8	$1.78
96	2/9/93	17:43	5.4	8		$1.08
97	2/9/93	20:47	23.8	IA	8	$4.76
98	2/9/93	21:23	13.6	IA	8	$2.72
99	2/10/93	9:24	3.5	IA	8	$0.70
100	2/10/93	9:46	13.8	IA	8	$2.76
101	2/11/93	15:40	0.7	8		$0.14
102	2/11/93	16:07	0.9	8		$0.18
103	2/11/93	8:26	10.1	IA	8	$2.02
104	2/11/93	16:13	2.3	2		$0.46
105	2/14/93	17:05	2.1	WI	8	$0.42
106	2/15/93	15:12	4.1		2	$0.82
107	2/17/93	16:44	14.5	WI	8	$2.90
108	2/17/93	18:50	15.4	WI	8	$3.08
109	2/18/93	20:30	1.1		8	$0.22
110	2/18/93	22:04	1.3		8	$0.26
111	2/19/93	11:21	7.8	IA	8	$1.56
112	2/19/93	12:58	17.5	WI	8	$3.50
113	2/23/93	14:55	17	WI	8	$3.40
114	2/24/93	10:52	6.2		8	$1.24
115	2/24/93	11:28	1.5		8	$0.30
116	2/25/93	11:19	1.6		8	$0.32
117	2/25/93	14:27	12.5	WI	8	$2.50
118	2/26/93	17:57	3.8	IA	8	$0.76
119	2/26/93	15:39	2.3		8	$0.46
120	2/26/93	17:58	17.2	IA	8	$3.44
121	2/27/93	21:35	3.1	1	507-831-xxxx	$0.62
122	2/27/93	22:51	3	1	507-831-xxxx	$0.60
123	2/27/93	13:59	1		8	$0.20
124	3/1/93	11:38	1.4	KS	8	$0.28
125	3/1/93	11:42	1.5	AZ	8	$0.30
126	3/1/93	16:37	1		8	$0.20
127	3/1/93	20:03	1		8	$0.20
128	3/2/93	16:09	4.1	WI	8	$0.82
129	3/3/93	8:26	27.1	IA	8	$5.42
130	3/3/93	14:54	13.3	WI	8	$2.66
131	3/3/93	16:42	18.6	WI	8	$3.72
132	3/5/93	14:52	9.9	WI	8	$1.98
133	3/6/93	19:14	22.4		8	$4.48
134	3/9/93	15:15	5	WI	8	$1.00
135	3/10/93	10:47	1		8	$0.20
136	3/10/93	10:50	17.1	WI	8	$3.42
137	3/11/93	16:09	10.5	WI	8	$2.10

# #	Date	Time	Minutes	To	From	Amount
138	3/11/93	17:23	5.6	WI	8	$1.12
139	3/11/93	18:12	4	WI	8	$0.80
140	3/11/93	18:49	1.1		8	$0.22
141	3/11/93	19:36	2.4	WI	8	$0.48
142	3/11/93	20:38	37.4		8	$7.48
143	3/12/93	15:30	5.5	WI	8	$1.10
144	3/12/93	8:04	4	WI	8	$0.80
145	3/12/93	13:28	6.2		8	$1.24
146	3/12/93	15:37	12	WI	8	$2.40
147	3/12/93	16:48	1.9		8	$0.38
148	3/13/93	10:56	11.5	IA	8	$2.30
149	3/15/93	19:47	1.1		8	$0.22
150	3/15/93	20:32	5.8		8	$1.16
151	3/16/93	14:01	9.6	WI	8	$1.92
152	3/16/93	16:13	8.6	WI	8	$1.72
153	3/16/93	19:31	1.1		8	$0.22
154	3/17/93	19:50	13.8	IA	8	$2.76
155	3/18/93	18:45	19.4	IA	8	$3.88
156	3/19/93	17:11	14.1		2	$2.82
157	3/20/93	18:14	3.3	WI	673-9467	$0.66
158	3/22/93	10:25	8.8	WI	8	$1.76
159	4/24/93	16:18	3.5	2		$0.70
160	5/30/93	13:36	4.6	8	8	$0.92
160			1439			$287.80

$0.145	$208.66
$0.20	$287.80
	$496.46
$0.03	$14.89
	$511.35

9-Lorren Lindevig

##	Date	Time	Minutes	To	From	Amount
1	4/27/93	20:36	1.9	9	3	$0.38
1			1.9			$0.38

$0.145	$0.28
$0.20	$0.38
	$0.66
$0.03	$0.02
	$0.68

10-MaryLou

##	Date	Time	Minutes	To	From	Amount
1	12/6/92	20:01	81.3	513-258-3601 OH	10	$16.26
2	12/12/92	10:23	15	513-228-6819 OH	10	$3.00
3	12/13/92	16:46	9.5	776-4891 St. Paul	10	$1.90
4	12/13/92	19:46	28.6	513-258-3601 OH	10	$5.72
5	12/14/92	18:40	50.2	707-447-0256 CA	10	$10.04
6	12/25/92	10:53	15	513-228-6819 OH	10	$3.00
7	12/25/92	20:39	9.7	7	10	$1.94
8	2/9/93	18:20	5.1	707-447-0256 CA	10	$1.02
9	2/9/93	22:18	15	707-447-0256 CA	10	$3.00
10	3/13/93	20:01	24.5	513-258-3601 OH	10	$4.90
10			253.9			$50.78

$0.145	$36.82
$0.20	$50.78
	$87.60
$0.03	$2.63
	$90.22

11-Unknown Origination or Destination

##	Date	Time	Minutes	To	From	Amount
1	12/5/92	11:42	0.8	3		$0.16
2	12/5/92	23:55	0.8	3		$0.16
3	12/6/92	13:31	5.7	4		$1.14
4	12/6/92	8:58	4.4		5	$0.88
5	12/7/92	10:02	7.8	4		$1.56
6	12/7/92	15:12	1.6			$0.32
7	12/7/92	15:25	22.4	7	5	$4.48
8	12/7/92	19:31	1.1	1		$0.22
9	12/7/92	20:55	0.9	1		$0.18
10	12/8/92	15:27	9.1			$1.82
11	12/8/92	10:12	3.7	4		$0.74
12	12/8/92	13:37	1.2		4	$0.24
13	12/8/92	22:48	1.5		5	$0.30
14	12/8/92	20:28	11.7	7		$2.34
15	12/9/92	15:04	1.3		5	$0.26
16	12/9/92	22:27	10.7	7		$2.14
17	12/9/92	22:12	7.1	1		$1.42
18	12/9/92	20:23	1.1	1		$0.22
19	12/9/92	21:03	11.5	1		$2.30
20	12/9/92	12:10	1	6		$0.20
21	12/10/92	11:32	8.7	3		$1.74
22	12/10/92	21:20	11.9	3		$2.38
23	12/10/92	18:48	1.2		3	$0.24
24	12/11/92	11:00	19.9	3		$3.98
25	12/11/92	15:26	1.1		5	$0.22
26	12/11/92	15:29	5.6		5	$1.12
27	12/11/92	16:39	1.7	7		$0.34
28	12/11/92	16:55	0.7	468-6403 Dale Damer		$0.14
29	12/11/92	13:31	9.9	6		$1.98
30	12/12/92	11:23	1.7	3		$0.34
31	12/12/92	11:27	23.1	7		$4.62
32	12/12/92	15:48	2.3	1		$0.46
33	12/12/92	20:10	0.9	1		$0.18
34	12/12/92	18:06	1.9	1		$0.38
35	12/12/92	12:12	2.5	493-2298		$0.50
36	12/13/92	17:40	38.6	3		$7.72
37	12/13/92	22:47	6.1	1		$1.22
38	12/13/92	15:28	1.1	1		$0.22
39	12/13/92	12:31	10.4		6	$2.08
40	12/14/92	12:10	1.8		3	$0.36
41	12/14/92	19:28	39.7		3	$7.94
42	12/15/92	22:35	28.6	7		$5.72

# #	Date	Time	Minutes	To	From	Amount
43	12/16/92	12:39	1.2		3	$0.24
44	12/16/92	21:44	7.6		4	$1.52
45	12/17/92	21:28	13	3		$2.60
46	12/17/92	11:06	19.4	5		$3.88
47	12/18/92	21:25	8.8	7		$1.76
48	12/18/92	21:42	36.6	7		$7.32
49	12/18/92	20:56	1.5	1		$0.30
50	12/18/92	22:19	1		6	$0.20
51	12/18/92	22:20	2.5		6	$0.50
52	12/18/92	22:28	1.2		6	$0.24
53	12/19/92	20:08	62.3		5	$12.46
54	12/19/92	15:08	19.5	7		$3.90
55	12/19/92	20:37	28.9	7		$5.78
56	12/20/92	16:46	1		6	$0.20
57	12/21/92	14:31	1.1		3	$0.22
58	12/21/92	16:33	1.1		3	$0.22
59	12/21/92	21:52	1.2		3	$0.24
60	12/21/92	17:31	1.1		5	$0.22
61	12/21/92	19:07	1.2		5	$0.24
62	12/22/92	10:24	32		3	$6.40
63	12/22/92	16:54	0.9	7		$0.18
64	12/22/92	15:09	4	7		$0.80
65	12/23/92	21:59	24.8	5		$4.96
66	12/24/92	10:55	2.8	3		$0.56
67	12/24/92	11:58	2.9	5		$0.58
68	12/24/92	10:13	5.7	5		$1.14
69	12/24/92	22:07	11.3	5		$2.26
70	12/24/92	15:12	17.7	7		$3.54
71	12/24/92	18:56	0.9	7		$0.18
72	12/25/92	23:15	1.3	5		$0.26
73	12/25/92	13:42	1.3	6		$0.26
74	12/26/92	13:04	1.1		3	$0.22
75	12/28/92	12:39	9		5	$1.80
76	12/28/92	21:34	23.5	7		$4.70
77	12/28/92	19:17	1.6	1		$0.32
78	12/28/92	21:59	4.7	1		$0.94
79	12/28/92	19:12	4.3	1		$0.86
80	12/28/92	21:29	3.3		6	$0.66
81	12/28/92	21:53	24.2		6	$4.84
82	12/29/92	9:23	2.8	3		$0.56
83	12/29/92	11:11	4		3	$0.80
84	12/29/92	20:00	3.1	5		$0.62
85	12/29/92	22:16	2.8	5		$0.56
86	12/29/92	12:03	5.3		5	$1.06
87	12/29/92	15:55	1.5	7		$0.30
88	12/29/92	10:58	4.1	7		$0.82
89	12/31/92	15:34	17.3	3		$3.46
90	12/31/92	14:37	3.5	5		$0.70

# #	Date	Time	Minutes	To	From	Amount
91	12/31/92	20:25	3.1	7		$0.62
92	12/31/92	12:00	2.6	1		$0.52
93	1/2/93	9:02	3.5	7		$0.70
94	1/3/93	16:12	3.4	5		$0.68
95	1/5/93	15:28	4.1	7		$0.82
96	1/6/93	10:16	21.5	3		$4.30
97	1/6/93	20:03	1.9	3		$0.38
98	1/6/93	11:22	27.3	7		$5.46
99	1/7/93	20:21	1		3	$0.20
100	1/7/93	18:02	28.2	3		$5.64
101	1/7/93	9:52	1.1		5	$0.22
102	1/8/93	22:33	2.5	7		$0.50
103	1/8/93	23:09	0.8	1		$0.16
104	1/9/93	9:30	4.4	3		$0.88
105	1/9/93	9:25	1		3	$0.20
106	1/10/93	13:34	3	1		$0.60
107	1/10/93	18:43	1.2		6	$0.24
108	1/11/93	11:32	30.9	3		$6.18
109	1/12/93	23:22	1.2		3	$0.24
110	1/12/93	17:43	4.5	7		$0.90
111	1/12/93	21:35	4.4	7		$0.88
112	1/13/93	21:06	3	3		$0.60
113	1/13/93	15:16	13.5	3		$2.70
114	1/13/93	17:19	1.6	7		$0.32
115	1/13/93	18:17	1.6	1		$0.32
116	1/14/93	12:18	1.5	5		$0.30
117	1/15/93	13:01	1.4	7		$0.28
118	1/15/93	15:06	15.3	7		$3.06
119	1/15/93	18:20	7.9	7		$1.58
120	1/15/93	9:18	1.2	1		$0.24
121	1/16/93	10:13	1.8	1		$0.36
122	1/16/93	14:46	1	1		$0.20
123	1/17/93	16:02	1.2	6		$0.24
124	1/18/93	19:05	5	5		$1.00
125	1/18/93	16:25	30.8	7		$6.16
126	1/18/93	9:14	1.4	7		$0.28
127	1/18/93	15:51	4.1	7		$0.82
128	1/19/93	20:48	2.3	3		$0.46
129	1/19/93	20:54	2.5	7		$0.50
130	1/19/93	22:08	10.4	3		$2.08
131	1/19/93	19:33	17.1	3		$3.42
132	1/19/93	15:42	1.2		3	$0.24
133	1/19/93	18:47	16.3		3	$3.26
134	1/19/93	19:56	8.5		3	$1.70
135	1/19/93	20:05	7.2		3	$1.44
136	1/19/93	18:43	15.5	7		$3.10
137	1/20/93	21:22	4.2	3		$0.84
138	1/20/93	21:28	1.1		3	$0.22

# #	Date	Time	Minutes	To	From	Amount
139	1/20/93	17:37	5.9	5		$1.18
140	1/20/93	13:31	5.9	1		$1.18
141	1/21/93	17:39	14.6	3		$2.92
142	1/21/93	20:59	7		3	$1.40
143	1/21/93	15:42	29.4	5		$5.88
144	1/21/93	16:17	11.5	7		$2.30
145	1/22/93	11:50	1	7		$0.20
146	1/23/93	12:14	12.3	6		$2.46
147	1/24/93	21:17	9.2	3		$1.84
148	1/24/93	18:50	2.3	5		$0.46
149	1/24/93	19:03	0.8	1		$0.16
150	1/25/93	9:27	32.2	3		$6.44
151	1/25/93	22:21	15.4	3		$3.08
152	1/25/93	20:53	1.2	3		$0.24
153	1/25/93	22:36	1.3		3	$0.26
154	1/25/93	16:55	7.2		5	$1.44
155	1/27/93	17:31	1	3		$0.20
156	1/27/93	22:02	13	3		$2.60
157	1/27/93	17:02	3.5		3	$0.70
158	1/27/93	21:30	3.4		3	$0.68
159	1/27/93	12:57	27.4	7		$5.48
160	1/27/93	21:31	2.6	7		$0.52
161	1/27/93	12:06	3.7	1		$0.74
162	1/27/93	20:54	3.7	1		$0.74
163	1/28/93	21:57	2.3	3		$0.46
164	1/28/93	11:02	4		3	$0.80
165	1/29/93	17:09	14.2	4		$2.84
166	1/29/93	10:25	1.2		4	$0.24
167	1/30/93	11:35	1	3		$0.20
168	1/30/93	22:08	1		4	$0.20
169	1/30/93	16:17	1.7	5		$0.34
170	1/30/93	16:15	1.8	1		$0.36
171	1/31/93	17:00	0.9	3		$0.18
172	1/31/93	21:23	5.6	3		$1.12
173	1/31/93	13:09	2.7	5		$0.54
174	1/31/93	13:03	5.4	7		$1.08
175	1/31/93	20:35	13.7	7		$2.74
176	1/31/93	22:56	4.2	7		$0.84
177	1/31/93	14:20	0.9	1		$0.18
178	1/31/93	14:22	4.7	6		$0.94
179	1/31/93	22:31	23.4	6		$4.68
180	1/31/93	21:04	3.2	6		$0.64
181	2/1/93	22:05	3.4	3		$0.68
182	2/1/93	22:15	0.7	3		$0.14
183	2/1/93	20:57	7.2		3	$1.44
184	2/2/93	12:23	1.6	3		$0.32
185	2/2/93	11:30	1.9	3		$0.38
186	2/2/93	21:35	5.9	7	5	$1.18

##	Date	Time	Minutes	To	From	Amount
187	2/2/93	22:59	7.7	7		$1.54
188	2/3/93	16:27	37.3	3		$7.46
189	2/3/93	20:58	4.5	3		$0.90
190	2/4/93	16:39	5.2	3		$1.04
191	2/4/93	19:01	19.3	5		$3.86
192	2/4/93	13:45	0.8	7		$0.16
193	2/4/93	14:56	4.9	7		$0.98
194	2/4/93	22:30	4.2	7		$0.84
195	2/5/93	17:29	1		5	$0.20
196	2/5/93	17:31	1		5	$0.20
197	2/5/93	22:06	25.9	6		$5.18
198	2/5/93	22:06	25.9	6		$5.18
199	2/6/93	9:35	2.2	3		$0.44
200	2/6/93	20:28	2.3	3		$0.46
201	2/6/93	21:03	24	7		$4.80
202	2/7/93	14:01	2.9	3		$0.58
203	2/7/93	19:56	1.4		3	$0.28
204	2/7/93	16:50	9.2	1		$1.84
205	2/7/93	10:07	1.6	6		$0.32
206	2/8/93	19:54	18.7		3	$3.74
207	2/8/93	20:15	3.9	7		$0.78
208	2/9/93	20:11	6.7	7		$1.34
209	2/9/93	21:56	2.1	6		$0.42
210	2/9/93	21:56	2.1	6		$0.42
211	2/10/93	20:38	1.2	3		$0.24
212	2/10/93	21:59	7.3	5		$1.46
213	2/10/93	22:16	3.1	1		$0.62
214	2/10/93	22:07	8.6	6		$1.72
215	2/11/93	17:01	23.6	3		$4.72
216	2/11/93	19:40	8	5		$1.60
217	2/11/93	21:54	5.7	7		$1.14
218	2/11/93	16:16	0.7	1		$0.14
219	2/11/93	12:38	3.1	6		$0.62
220	2/11/93	10:35	5.5	6		$1.10
221	2/11/93	10:35	5.5	6		$1.10
222	2/12/93	16:32	3.5	5		$0.70
223	2/12/93	22:26	0.7	1		$0.14
224	2/12/93	18:14	4.5	6		$0.90
225	2/12/93	18:14	4.5	6		$0.90
226	2/12/93	11:50	8.2	6		$1.64
227	2/13/93	20:54	1.2		3	$0.24
228	2/13/93	16:37	2.7	5		$0.54
229	2/13/93	19:00	3.4	5		$0.68
230	2/13/93	19:11	1	5		$0.20
231	2/13/93	21:43	0.7	7		$0.14
232	2/13/93	5:28	0.7	1		$0.14
233	2/13/93	22:32	7.4	6		$1.48
234	2/13/93	22:32	7.4	6		$1.48

##	Date	Time	Minutes	To	From	Amount
235	2/14/93	15:17	1.1		3	$0.22
236	2/14/93	12:34	4	7		$0.80
237	2/14/93	13:03	6.5	7		$1.30
238	2/14/93	9:42	2.8	1		$0.56
239	2/14/93	19:55	3.1	6		$0.62
240	2/14/93	19:55	3.1	6		$0.62
241	2/14/93	13:00	3	6		$0.60
242	2/15/93	22:13	1.3		3	$0.26
243	2/15/93	12:13	15.8	7		$3.16
244	2/16/93	19:38	17.1	3		$3.42
245	2/16/93	9:53	1		3	$0.20
246	2/16/93	10:01	1		3	$0.20
247	2/16/93	10:40	1.3		3	$0.26
248	2/16/93	22:20	10.7	7		$2.14
249	2/16/93	19:28	2	6		$0.40
250	2/17/93	15:38	1.6	3		$0.32
251	2/17/93	21:35	9.2		3	$1.84
252	2/17/93	8:34	1.2		5	$0.24
253	2/19/93	17:11	5.1	3		$1.02
254	2/21/93	15:36	7.3	5		$1.46
255	2/21/93	21:58	23.6	6		$4.72
256	2/21/93	21:58	23.6	6		$4.72
257	2/23/93	20:58	8.4	3		$1.68
258	2/23/93	17:37	6		6	$1.20
259	2/24/93	21:23	9	3		$1.80
260	2/24/93	22:03	3.3		3	$0.66
261	2/24/93	21:33	5.3	5		$1.06
262	2/24/93	20:03	14.1	1		$2.82
263	2/25/93	14:18	5.4	3		$1.08
264	2/25/93	21:58	4.1	3		$0.82
265	2/25/93	22:16	1.9	3		$0.38
266	2/25/93	22:44	5.4	3		$1.08
267	2/25/93	0:23	8.6	7		$1.72
268	2/25/93	22:06	0.9	7		$0.18
269	2/25/93	23:32	0.7	7		$0.14
270	2/25/93	23:12	0.7	7		$0.14
271	2/25/93	22:42	1.1	7		$0.22
272	2/25/93	23:11	2.1	1		$0.42
273	2/26/93	10:17	2.9	3		$0.58
274	2/26/93	13:07	1.2	3		$0.24
275	2/26/93	16:59	2.1	3		$0.42
276	2/26/93	20:14	7.1	3		$1.42
277	2/26/93	23:24	1.3	3		$0.26
278	2/26/93	10:10	7.9		3	$1.58
279	2/26/93	10:20	5.8	7		$1.16
280	2/26/93	10:12	5.6	7		$1.12
281	2/26/93	11:09	5.7	7		$1.14
282	2/26/93	15:57	8	1		$1.60

# #	Date	Time	Minutes	To	From	Amount
283	2/26/93	19:02	1.5	1		$0.30
284	2/26/93	19:59	2.4	1		$0.48
285	2/26/93	23:46	2.4	1		$0.48
286	2/27/93	16:51	6.3	3		$1.26
287	2/27/93	12:33	1.2	1		$0.24
288	2/28/93	19:02	3.1	7		$0.62
289	3/2/93	18:04	1.6		7	$0.32
290	3/2/93	18:07	7.7		7	$1.54
291	3/2/93	21:41	6.3		379-9808 Mpls.	$1.26
292	3/4/93	19:04	2.2		881-9761 Mpls.	$0.44
293	3/5/93	16:25	0.8	7		$0.16
294	3/6/93	17:36	3.6	6		$0.72
295	3/7/93	19:23	1.8	6		$0.36
296	3/8/93	17:51	5.5	3		$1.10
297	3/8/93	19:06	0.9	3		$0.18
298	3/8/93	21:42	0.8	7		$0.16
299	3/8/93	22:00	15.2	3	7	$3.04
300	3/11/93	19:47	1.2	3		$0.24
301	3/11/93	10:48	20.2	7		$4.04
302	3/11/93	19:48	1.9	7		$0.38
303	3/11/93	22:38	7	7		$1.40
304	3/13/93	10:16	3.8	7		$0.76
305	3/13/93	12:53	1.4	7		$0.28
306	3/15/93	16:52	2.5	3		$0.50
307	3/15/93	21:23	1.2		3	$0.24
308	3/15/93	21:25	3.5		3	$0.70
309	3/15/93	22:08	1.1		3	$0.22
310	3/15/93	16:55	0.7	7		$0.14
311	3/16/93	11:03	3.6	3		$0.72
312	3/16/93	20:14	13.1	7		$2.62
313	3/17/93	15:05	1		3	$0.20
314	3/17/93	22:21	4.6	7		$0.92
315	3/17/93	13:00	1.2	7		$0.24
316	3/17/93	13:51	0.7	7		$0.14
317	3/17/93	13:38	1.1		6	$0.22
318	3/17/93	14:08	1		6	$0.20
319	3/17/93	15:03	1.2		6	$0.24
320	3/18/93	22:25	8.5	7		$1.70
321	3/20/93	12:36	12.7	6		$2.54
322	3/20/93	16:19	3		6	$0.60
323	3/21/93	18:59	1.1		3	$0.22
324	3/21/93	22:34	1.7		3	$0.34
325	3/21/93	17:20	0.8	7		$0.16
326	3/21/93	16:42	0.8	6		$0.16
327	3/23/93	15:04	13.7		5	$2.74
328	3/23/93	15:32	3.6		5	$0.72
329	3/23/93	19:11	1.4	7		$0.28
330	3/23/93	17:20	1.3		831-9605	$0.26

# #	Date	Time	Minutes	To	From	Amount
331	3/24/93	20:06	1.3		3	$0.26
332	3/25/93	12:30	22.3		3	$4.46
333	3/26/93	14:52	5		493-0004	$1.00
334	3/26/93	14:57	6.9		493-0004	$1.38
335	3/27/93	11:23	1.8	7		$0.36
336	3/28/93	19:54	1.2		3	$0.24
337	3/28/93	11:11	2.9		493-0004	$0.58
338	3/28/93	19:32	3.1		493-0004	$0.62
339	3/29/93	20:51	10.8		5	$2.16
340	3/30/93	9:39	2.8		3	$0.56
341	3/30/93	21:50	4.3	7		$0.86
342	3/31/93	19:22	0.8	3		$0.16
343	3/31/93	12:28	3.8		4	$0.76
344	3/31/93	15:12	1		4	$0.20
345	3/31/93	18:50	17.2	7		$3.44
346	3/31/93	21:00	9	7		$1.80
347	4/1/93	9:19	4.6		7	$0.92
348	4/12/93	9:32	1.6		7	$0.32
349	5/3/93	10:46	29.3	3		$5.86
350	5/4/93	10:12	3.1		3	$0.62
351	5/4/93	10:23	10.7		3	$2.14
352	5/5/93	9:47	18.9		3	$3.78
353	5/5/93	10:23	1.3		3	$0.26
354	5/5/93	10:25	0.5		3	$0.10
355	5/5/93	10:25	0.9		3	$0.18
356	5/5/93	10:27	0.7		3	$0.14
357	5/5/93	10:27	0.8		3	$0.16
358	5/5/93	10:28	1.9		3	$0.38
359	5/5/93	10:35	6.6		3	$1.32
360	5/5/93	10:42	0.9		3	$0.18
361	5/5/93	10:45	0.8		3	$0.16
362	5/5/93	10:02	29.4		3	$5.88
363	5/6/93	3:53	15		3	$3.00
364	5/6/93	7:24	6.7		3	$1.34
365	5/6/93	8:54	9.1		3	$1.82
366	5/6/93	9:51	4.7		3	$0.94
367	5/7/93	9:07	3.5	3		$0.70
368	5/7/93	4:12	14.6	3		$2.92
369	5/7/93	10:09	5.9	3		$1.18
370	5/8/93	8:53	18.4	3		$3.68
371	5/9/93	3:30	12.1	3		$2.42
372	5/9/93	3:43	1.5		3	$0.30
373	5/9/93	10:31	5.5		3	$1.10
374	5/10/93	5:27	28.6		3	$5.72
375	5/10/93	6:31	6		3	$1.20
376	5/10/93	11:39	1.3	3		$0.26
377	5/10/93	10:17	16.7	3		$3.34
378	5/10/93	10:38	10.8	3		$2.16

##	Date	Time	Minutes	To	From	Amount
379	5/10/93	10:52	3.5		3	$0.70
380	5/11/93	7:32	21.9		3	$4.38
381	5/11/93	8:04	3.3		3	$0.66
382	5/12/93	9:31	4.6		3	$0.92
383	5/12/93	9:49	16.9	3		$3.38
384	5/12/93	3:01	17.8	3		$3.56
385	5/12/93	3:22	0.6	3		$0.12
386	5/12/93	4:23	0.6	3		$0.12
387	5/12/93	5:10	0.6	3		$0.12
388	5/12/93	5:11	0.6	3		$0.12
389	5/13/93	10:59	4.7		3	$0.94
390	5/14/93	11:33	5.5		3	$1.10
391	5/28/93	15:11	3.4	7		$0.68
392	5/29/93	21:49	1.2	1		$0.24
393	6/1/93	15:33	1.1		5	$0.22
394	6/5/93	22:11	5.1		3	$1.02
395	6/8/93	21:03	1.2		3	$0.24
396	6/11/93	18:02	1.6		3	$0.32
397	6/12/93	11:07	1.2		5	$0.24
398	6/12/93	22:50	5.9	7		$1.18
399	6/14/93	9:35	1.5		7	$0.30
400	6/15/93	9:38	1.2		3	$0.24
401	6/15/93	16:39	1.9		7	$0.38
402	6/15/93	17:03	1.5		7	$0.30
403	6/18/93	18:20	1		3	$0.20
404	6/18/93	15:25	1		5	$0.20
405	6/18/93	15:33	1.3		5	$0.26
406	6/18/93	16:55	1		5	$0.20
407	6/18/93	19:39	1.4		5	$0.28
408	6/25/93	8:44	9.8		3	$1.96
409	6/29/93	17:14	10		5	$2.00
410	6/30/93	21:58	16.7		3	$3.34
411	6/30/93	18:08	8.9		6	$1.78
412	6/30/93	23:08	8.8		6	$1.76
413	7/1/93	21:38	3.2		5	$0.64
414	7/2/93	14:22	20.5		3	$4.10
415	7/3/93	9:19	14.4		3	$2.88
416	7/3/93	22:54	33.1		3	$6.62
417	7/5/93	10:52	20.1		5	$4.02
418	7/7/93	17:58	17		6	$3.40
419	7/7/93	18:34	1.6		6	$0.32
420	7/7/93	22:24	11.3		6	$2.26
421	7/8/93	9:24	5.5		3	$1.10
422	7/8/93	15:35	20		3	$4.00
423	7/9/93	21:38	22.4		5	$4.48
424	7/10/93	12:18	4.5		5	$0.90
425	7/11/93	16:08	1.2		3	$0.24
426	7/12/93	9:01	20.7		3	$4.14

##	Date	Time	Minutes	To	From	Amount
427	7/12/93	14:07	42.1		3	$8.42
428	7/12/93	17:17	21.1		6	$4.22
429	7/13/93	21:34	13.2		3	$2.64
430	7/14/93	20:34	5.6		3	$1.12
431	7/14/93	19:41	6.4		3	$1.28
432	7/15/93	15:08	16.3		3	$3.26
433	7/16/93	10:36	1.2		3	$0.24
434	7/19/93	10:50	12.5		3	$2.50
435	7/19/93	22:57	21.7		3	$4.34
436	7/19/93	0:19	2.8		3	$0.56
437	7/19/93	12:53	8.5		5	$1.70
438	7/19/93	22:21	9.5		5	$1.90
439	7/19/93	22:45	2.7		5	$0.54
440	7/20/93	10:18	10.1		3	$2.02
441	7/20/93	20:35	1.3		3	$0.26
442	7/21/93	17:46	20.3		3	$4.06
443	7/21/93	14:11	1.7		3	$0.34
444	7/21/93	15:13	1.4		3	$0.28
445	7/21/93	18:50	1.4		4	$0.28
446	7/21/93	8:43	3.6		5	$0.72
447	7/22/93	13:42	6.3		3	$1.26
448	7/22/93	16:24	7.5		3	$1.50
449	7/22/93	9:24	5.3		4	$1.06
450	7/22/93	14:26	1.3		4	$0.26
451	7/22/93	19:06	19.7		4	$3.94
452	7/22/93	12:16	6.8		5	$1.36
453	7/23/93	18:59	4.8		3	$0.96
454	7/23/93	14:38	7		4	$1.40
455	7/24/93	8:27	2.1		6	$0.42
456	7/25/93	18:14	3.5		3	$0.70
457	7/25/93	20:55	13		3	$2.60
458	7/26/93	12:09	14.7		3	$2.94
459	7/26/93	20:50	2.1		3	$0.42
460	7/26/93	13:18	1.4		4	$0.28
461	7/26/93	22:02	6.8		5	$1.36
462	7/26/93	19:08	14.7		6	$2.94
463	7/27/93	19:02	1.2		3	$0.24
464	7/27/93	12:51	12.3		5	$2.46
465	7/28/93	8:36	1.1		3	$0.22
466	7/29/93	8:54	28.2		3	$5.64
467	7/30/93	21:50	45		3	$9.00
468	7/30/93	17:33	7.8		5	$1.56
469	7/31/93	8:10	1.2		3	$0.24
470	7/31/93	11:23	1.3		3	$0.26
471	8/6/93	20:42	1.3		3	$0.26
472	8/6/93	20:44	17.1		3	$3.42
473	8/8/93	11:42	1.1		3	$0.22
474	8/8/93	11:44	6.2		3	$1.24

# #	Date	Time	Minutes	To	From	Amount
475	8/9/93	16:26	3		3	$0.60
476	8/9/93	16:29	10.3		3	$2.06
477	8/10/93	21:21	7.2		5	$1.44
478	8/11/93	12:45	24.3		3	$4.86
479	8/12/93	8:54	3.9		3	$0.78
480	8/12/93	15:38	18.7		3	$3.74
481	8/12/93	8:34	19.6		3	$3.92
482	8/13/93	18:59	14.2		3	$2.84
483	8/13/93	21:47	7.3		5	$1.46
484	8/15/93	20:41	19.8		3	$3.96
485	8/15/93	21:01	18.2		3	$3.64
486	8/16/93	16:51	4.2		3	$0.84
487	8/16/93	16:55	6.2		3	$1.24
488	8/17/93	9:51	27		3	$5.40
489	8/18/93	9:27	24.3		3	$4.86
490	8/18/93	14:11	16.1		3	$3.22
491	8/19/93	18:58	26.3		3	$5.26
492	8/20/93	13:47	1.2		3	$0.24
493	8/20/93	14:36	0.9		3	$0.18
494	8/20/93	19:10	1		3	$0.20
495	8/20/93	21:10	0.9		3	$0.18
496	8/21/93	9:04	25.6		3	$5.12
497	8/23/93	12:14	49.4		3	$9.88
498	8/24/93	9:00	0.5		3	$0.10
499	8/24/93	9:01	1.2		3	$0.24
500	8/24/93	17:10	6.2		3	$1.24
501	8/24/93	22:24	24.4		3	$4.88
502	8/24/93	13:01	25.9		3	$5.18
503	8/25/93	22:17	46.9		3	$9.38
504	8/26/93	9:30	1.2		5	$0.24
505	8/26/93	17:08	2.7		5	$0.54
506	8/27/93	8:55	18.3		3	$3.66
507	8/27/93	12:58	39.9		3	$7.98
508	8/27/93	20:56	13.9		3	$2.78
509	8/27/93	16:25	8.1		5	$1.62
510	8/29/93	13:55	15.7		3	$3.14
511	8/31/93	22:27	11.9		3	$2.38
512	1/19/94	21:51	12		6	$2.40
513	4/2/94	21:49	11	3		$2.20
514	4/4/94	9:47	29	3		$5.80
515	4/5/94	17:55	1	3		$0.20
516	4/5/94	19:16	14	3		$2.80
517	4/5/94	22:08	7	3		$1.40
518	4/6/94	21:02	17	3		$3.40
519	4/8/94	10:56	33	3		$6.60
520	4/9/94	17:04	1	3		$0.20
521	4/9/94	20:26	22	3		$4.40
522	4/9/94	10:42	2	1		$0.40

##	Date	Time	Minutes	To	From	Amount
523	4/9/94	10:49	4		6	$0.80
524	4/10/94	17:15	7	3		$1.40
525	4/10/94	21:44	1	1		$0.20
526	4/10/94	22:11	15		6	$3.00
527	4/11/94	11:41	1	3		$0.20
528	4/11/94	13:14	1	3		$0.20
529	4/11/94	17:41	1	3		$0.20
530	4/11/94	9:13	15	5		$3.00
531	4/12/94	10:03	1	3		$0.20
532	4/12/94	11:30	1	3		$0.20
533	4/17/94	21:41	39	3		$7.80
534	4/17/94	22:23	21		6	$4.20
535	4/18/94	22:00	2	3		$0.40
536	4/18/94	22:05	3	3		$0.60
537	4/19/94	22:04	17	3		$3.40
538	4/19/94	22:22	11	5		$2.20
539	5/1/94	21:08	12			$2.40
540	5/1/94	16:16	25	6		$5.00
541	5/1/94	21:51	6	6		$1.20
542	5/1/94	17:41	1	9		$0.20
543	5/2/94	12:56	1	3		$0.20
544	5/2/94	15:17	37	3		$7.40
545	5/2/94	21:03	1	3		$0.20
546	5/3/94	22:19	30	3		$6.00
547	5/4/94	14:52	1	3		$0.20
548	5/4/94	16:25	1	3		$0.20
549	5/5/94	10:06	35	3		$7.00
550	5/6/94	22:01	26	3		$5.20
551	5/6/94	22:28	14	6		$2.80
552	5/7/94	20:34	28	3		$5.60
553	5/8/94	20:42	37	3		$7.40
554	5/8/94	21:23	16	5		$3.20
555	5/9/94	15:28	1	3		$0.20
556	5/9/94	17:39	1	3		$0.20
557	5/9/94	18:12	1	3		$0.20
558	5/9/94	19:08	1	3		$0.20
559	5/9/94	19:32	1	3		$0.20
560	5/9/94	19:47	32	3		$6.40
561	5/9/94	10:12	1	9		$0.20
562	5/10/94	22:27	12	3		$2.40
563	5/10/94	19:03	1	1		$0.20
564	5/10/94	21:31	13	1		$2.60
565	5/11/94	21:42	16	3		$3.20
566	5/11/94	12:19	1	1		$0.20
567	5/11/94	12:17	2	9		$0.40
568	5/12/94	21:11	28	3		$5.60
569	5/13/94	15:11	1	1		$0.20
570	5/14/94	21:58	10	1		$2.00

##	Date	Time	Minutes	To	From	Amount
571	5/14/94	9:11	1	9		$0.20
572	5/14/94	22:08	3	9		$0.60
573	5/15/94	11:43	1	3		$0.20
574	5/15/94	15:59	8	3		$1.60
575	5/16/94	10:53	11	3		$2.20
576	5/16/94	16:31	3	3		$0.60
577	5/16/94	10:05	1	9		$0.20
578	5/16/94	10:35	1	9		$0.20
579	5/17/94	19:08	1	3		$0.20
580	5/17/94	20:34	7	3		$1.40
581	5/17/94	20:41	4	5		$0.80
582	5/17/94	19:02	4	1		$0.80
583	5/17/94	18:52	10	6		$2.00
584	5/17/94	22:19	1	6		$0.20
585	5/17/94	19:07	1	9		$0.20
586	5/18/94	8:30	25	3		$5.00
587	5/19/94	8:14	10	3		$2.00
588	5/19/94	22:53	15	3		$3.00
589	5/20/94	10:47	27	3		$5.40
590	5/20/94	18:25	1	1		$0.20
591	5/21/94	10:10	3	3		$0.60
592	5/21/94	9:44	1	5		$0.20
593	5/21/94	16:28	4	6		$0.80
594	5/21/94	9:32	2	9		$0.40
595	5/21/94	9:45	1	9		$0.20
596	5/21/94	14:05	1	9		$0.20
597	5/23/94	15:32	1	3		$0.20
598	5/23/94	22:50	5	6		$1.00
599	5/24/94	21:53	14	3		$2.80
600	5/24/94	20:10	14	5		$2.80
601	5/24/94	20:24	3	1		$0.60
602	5/24/94	21:53	7			$1.40
603	5/24/94	20:46	7	6		$1.40
604	5/25/94	9:59	33	3		$6.60
605	5/29/94	17:45	1	6		$0.20
606	5/29/94	17:47	1	6		$0.20
607	5/29/94	17:51	1	6		$0.20
608	5/30/94	16:30	18	3		$3.60
609	6/2/94	22:30	16	1		$3.20
610	6/3/94	10:14	1	3		$0.20
611	6/3/94	12:07	1	3		$0.20
612	6/3/94	19:57	9	3		$1.80
613	6/5/94	17:47	42	3		$8.40
614	6/5/94	13:18	14	5		$2.80
615	6/5/94	14:19	1	5		$0.20
616	6/7/94	20:56	1	6		$0.20
617	6/7/94	21:57	6	6		$1.20
618	6/8/94	15:49	9	3		$1.80

##	Date	Time	Minutes	To	From	Amount
619	6 9 94	9.39	1	5		$0.20
620	6/9.94	10:08	44	5		$8.80
621	6/9/94	15:25	5	5		$1.00
622	6/9/94	17:44	7	1		$1.40
623	6/9/94	20:22	14	9		$2.80
624	6/10/94	10:13	1	3		$0.20
625	6/10/94	11:59	1	3		$0.20
626	6/10/94	20:58	13	5		$2.60
627	6/15/94	11:54	34	3		$6.80
628	6/15/94	12:43	1	3		$0.20
629	6/19/94	21:30	11	Ramey		$2.20
630	6/20/94	16:03	7	9		$1.40
631	6/21/94	11:08	1	3		$0.20
632	6/21/94	15:41	1	3		$0.20
633	6/21/94	17:20	6	5		$1.20
634	6/26/94	21:16	1	1		$0.20
635	6/26/94	22:42	1	1		$0.20
636	6/26/94	22:52	3	1		$0.60
637	6/26/94	23:06	3	1		$0.60
638	6/26/94	23:33	2	1		$0.40
639	6/26/94	21:22	2	6		$0.40
640	6/27/94	18:10	1	9		$0.20
641	6/30/94	18:50	3	3		$0.60
642	7/6/94	20:15	10	5		$2.00
642			5128.9			$1,025.78

$0.145	$743.69
$0.20	$1,025.78
	$1,769.47
$0.03	$53.08
	$1,822.55

Exhibit 3

OFFICE OF THE RAMSEY COUNTY ATTORNEY

SUITE 315
50 WEST KELLOGG BOULEVARD
ST. PAUL, MINNESOTA 55102-1657

SUSAN GAERTNER
County Attorney

November 14, 1995

Senator Florian Chmielewski
c/o Thomas J. Ryan
Attorney at Law
25 NE Eighth Avenue
Pine City, MN 55063

Re: In re the Investigation into the Telecommunications System of the Minnesota Legislature

Dear Senator Chmielewski:

The above-entitled matter will be presented to a Multi-County Grand Jury at 9:00 on Tuesday, December 12, 1995 in the Grand Jury Room on the 17th Floor of the Ramsey County Courthouse, St. Paul, Minnesota under the provisions of Rule 18, Minnesota Rules of Criminal Procedure.

You are welcome to come in and testify in your own behalf before the Grand Jury concerning this matter if you so desire. However, since you could be a defendant should the Grand Jury decide to issue an indictment, it will be necessary for you to sign a Waiver of Immunity before you so testify. This means that anything you say before the Grand Jury could be used against you in a district court trial following upon an indictment. By this letter I do not intend to indicate that you are under any obligation to testify before the Grand Jury. Whether you do so or not is completely up to you and your attorney, if you have one.

If you have an attorney, it might be well to talk this matter over with him and have him advise me of your decision by calling me at 266-3057. If you do not have an attorney, you may qualify for legal assistance from the Ramsey County Public Defender's Office, which you can contact at 215-0600.

Very truly yours,

Charles M. Balck

CHARLES M. BALCK
Assistant Ramsey County Attorney

CB/me

12-31-95

Form A310

RESIDENTIAL LEASE

Apartment — Condominium — House

BY THIS AGREEMENT made and entered into on January 1, 1995, between Mark Chmielewski, herein referred to as Lessor, and Florian Chmielewski, herein referred to as Lessee. Lessor leases to Lessee the premises situated at 1613 72nd Ave. North, in the City of Brooklyn Center, County of Hennepin, State of Minnesota, and more particularly described as follows:

together with all appurtenances, for a term of 2 years, to commence on January 1, 1995, and to end on December 31, 1996, at 12 o'clock a.m.

1. Rent. Lessee agrees to pay, without demand, to Lessor as rent for the demised premises the sum of Fourteen Thousand and Four Hundred Dollars ($ 600.00) per month in advance on the 1st day of each calendar month beginning January 1, 1995, at 1613 72nd Ave. North City of Brooklyn Center State of Minnesota, or at such other place as Lessor may designate.

2. Security Deposit. On execution of this lease, Lessee deposits with Lessor Dollars ($ None), receipt of which is acknowledged by Lessor, as security for the faithful performance by Lessee of the terms hereof, to be returned to Lessee, without interest, on the full and faithful performance by him of the provisions hereof.

3. Quiet Enjoyment. Lessor covenants that on paying the rent and performing the covenants herein contained, Lessee shall peacefully and quietly have, hold, and enjoy the demised premises for the agreed term.

4. Use of Premises. The demised premises shall be used and occupied by Lessee exclusively as a private single family residence, and neither the premises nor any part thereof shall be used at any time during the term of this lease by Lessee for the purpose of carrying on any business, profession, or trade of any kind, or for any purpose other than as a private single family residence. Lessee shall comply with all the sanitary laws, ordinances, rules, and orders of appropriate governmental authorities affecting the cleanliness, occupancy, and preservation of the demised premises, and the sidewalks connected thereto, during the term of this lease.

5. Number of Occupants. Lessee agrees that the demised premises shall be occupied by no more than 1 persons, consisting of 1 adults and children under the age of years, without the written consent of Lessor.

6. Condition of Premises. Lessee stipulates that he has examined the demised premises, including the grounds and all buildings and improvements, and that they are, at the time of this lease, in good order, repair, and a safe, clean, and tenantable condition.

7. Assignment and Subletting. Without the prior written consent of Lessor, Lessee shall not assign this lease, or sublet or grant any concession or license to use the premises or any part thereof. A consent by Lessor to one assignment, subletting, concession, or license shall not be deemed to be a consent to any subsequent assignment, subletting, concession, or license. An assignment, subletting, concession, or license without the prior written consent of Lessor, or an assignment or subletting by operation of law, shall be void and shall, at Lessor's option, terminate this lease.

8. Alterations and Improvements. Lessee shall make no alterations to the buildings on the demised premises or construct any building or make other improvements on the demised premises without the prior written consent of Lessor. All alterations, changes, and improvements built, constructed, or placed on the demised premises by Lessee, with the exception of fixtures removable without damage to the premises and movable personal property, shall, unless otherwise provided by written agreement between Lessor and Lessee, be the property of Lessor and remain on the demised premises at the expiration or sooner termination of this lease.

9. Damage to Premises. If the demised premises, or any part thereof, shall be partially damaged by fire or other casualty not due to Lessee's negligence or willful act or that of his employee, family, agent, or visitor, the premises shall be promptly repaired by Lessor and there shall be an abatement of rent corresponding with the time during which, and the extent to which, the leased premises may have been untenantable; but, if the leased premises should be damaged other than by Lessee's negligence or willful act or that of his employee, family, agent, or visitor to the extent that Lessor shall decide not to rebuild or repair, the term of this lease shall end and the rent shall be prorated up to the time of the damage.

EXHIBIT "C"

10. Dangerous Materials. Lessee shall not keep or have on the leased premises any article or thing of a dangerous, inflammable, or explosive character that might unreasonably increase the danger of fire on the leased premises or that might be considered hazardous or extra hazardous by any responsible insurance company.

11. Utilities. Lessee shall be responsible for arranging for and paying for all utility services required on the premises, except that
shall be provided by Lessor.

12. Maintenance and Repair. Lessee will, at his sole expense, keep and maintain the leased premises and appurtenances in good and sanitary condition and repair during the term of this lease and any renewal thereof. In particular, Lessee shall keep the fixtures in the house or on or about the leased premises in good order and repair; keep the furnace clean; keep the electric bells in order; keep the walks free from dirt and debris; and, at his sole expense, shall make all required repairs to the plumbing, range, heating, apparatus, and electric and gas fixtures whenever damage thereto shall have resulted from Lessee's misuse, waste, or neglect or that of his employee, family, agent, or visitor. Major maintenance and repair of the leased premises, not due to Lessee's misuse, waste, or neglect or that of his employee, family, agent, or visitor, shall be the responsibility of Lessor or his assigns.

Lessee agrees that no signs shall be placed or painting done on or about the leased premises by Lessee or at his direction without the prior written consent of Lessor.

13. Animals. Lessee shall keep no domestic or other animals on or about the leased premises without the written consent of Lessor.

14. Right of Inspection. Lessor and his agents shall have the right at all reasonable times during the term of this lease and any renewal thereof to enter the demised premises for the purpose of inspecting the premises and all building and improvements thereon.

15. Display of Signs. During the last days of this lease, Lessor or his agent shall have the privilege of displaying the usual "For Sale" or "For Rent" or "Vacancy" signs on the demised premises and of showing the property to prospective purchasers or tenants.

16. Subordination of Lease. This lease and Lessee's leasehold interest hereunder are and shall be subject, subordinate, and inferior to any liens or encumbrances now or hereafter placed on the demised premises by Lessor, all advances made under any such liens or encumbrances, the interest payable on any such liens or encumbrances, and any and all renewals or extensions of such liens or encumbrances.

17. Holdover by Lessee. Should Lessee remain in possession of the demised premises with the consent of Lessor after the natural expiration of this lease, a new month-to-month tenancy shall be created between Lessor and Lessee which shall be subject to all the terms and conditions hereof but shall be terminated on days' written notice served by either Lessor or Lessee on the other party.

18. Surrender of Premises. At the expiration of the lease term, Lessee shall quit and surrender the premises hereby demised in as good state and condition as they were at the commencement of this lease, reasonable use and wear thereof and damages by the elements excepted.

19. Default. If any default is made in the payment of rent, or any part thereof, at the times hereinbefore specified, or if any default is made in the performance of or compliance with any other term or condition hereof, the lease, at the option of Lessor, shall terminate and be forfeited, and Lessor may re-enter the premises and remove all persons therefrom. Lessee shall be given written notice of any default or breach, and termination and forfeiture of the lease shall not result if, within days of receipt of such notice, Lessee has corrected the default or breach or has taken action reasonably likely to effect such correction within a reasonable time.

20. Abandonment. If at any time during the term of this lease Lessee abandons the demised premises or any part thereof, Lessor may, at his option, enter the demised premises by any means without being liable for any prosecution therefor, and without becoming liable to Lessee for damages or for any payment of any kind whatever, and may, at his discretion, as agent for Lessee, relet the demised premises, or any part thereof, for the whole or any part of the then unexpired term, and may receive and collect all rent payable by virtue of such reletting, and, at Lessor's option, hold Lessee liable for any difference between the rent that would have been payable under this lease during the balance of the unexpired term, if this lease had continued in force, and the net rent for such period realized by Lessor by means of such reletting. If Lessor's right of re-entry is exercised following abandonment of the premises by Lessee, then Lessor may consider any personal property belonging to Lessee and left on the premises to also have been abandoned, in which case Lessor may dispose of all such personal property in any manner Lessor shall deem proper and is hereby relieved of all liability for doing so.

21. Binding Effect. The covenants and conditions herein contained shall apply to and bind the heirs, legal representatives, and assigns of the parties hereto, and all covenants are to be construed as conditions of this lease.

22. Other Terms:

IN WITNESS WHEREOF, the parties have executed this lease at
the day and year first above written.

Lessor Lessee

STATE OF MINNESOTA DISTRICT COURT

COUNTY OF RAMSEY TENTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

vs. **AFFIDAVIT OF PATRICIA CHMIELEWSKI**

Florian Chmielewski, Sr., **Court File No. K7-95-3901**

Defendant.

STATE OF MINNESOTA)
)ss.
COUNTY OF _____)

Patricia Chmielewski, being first duly sworn upon oath, deposes and states as follows:

1. That she is the wife of Senator Florian Chmielewski; that she and Florian were married about forty years ago; that they live in their home in Sturgeon Lake Township, Pine County, Minnesota, and have for the past forty years.

2. That when Florian Chmielewski was first elected in 1970, she remained at home during legislative sessions and other legislative work raising their family, and basically did not accompany Senator Chmielewski to the Twin Cities for legislative sessions and/or committee meeting; that as a result of her remaining at home and operating the telephone answering service for her husband's constituents, she had many occasions to make calls to find him for relaying information to him having to do with senate business.

3. That during all of this period when she called the senate office of her husband on senate business, for example, she would announce that it was Senator Chmielewski's wife calling. On each of the calls that she made during all of this period she never opened up the conversation without designating "this is Senator Chmielewski's wife calling".

4. That affiant knows of her own knowledge that for the past five years, Senator Chmielewski's place of abode on an annual year round basis was primarily with their daughter Patricia Devitt at 8640 Fifth Avenue South, Bloomington Minnesota 55420 and part-time year round at the home of their son Mark Chmielewski at 1613 - 72nd Avenue North, Brooklyn Center Minnesota 55430; that affiant further states her husband has never lived at any other address other than their home in Sturgeon Lake.

5. That during all of the time since her husband has been in the State Legislature, she has never disclosed this number or the access code or any method to use the senate privileges to anyone other than on one occasion; the occasion was because of severe illness in the family in which affiant did tell her sister who lives in Duluth, that if her sister had an emergency to call about, that she could use that number to call affiant. That during all of the subsequent time affiant never received a call from said sister; that during all of this time this affiant knew of no illegal or untoward use of the number.

Exhibit "D"

6. When Senator Chmielewski gave affiant the access code originally, and on each occasion when a new access code was issued and on many occasions in between, he admonished affiant that this number was to be used for senate business only and for no other purpose.

7. Affiant makes this affidavit to clear up some of the rumors, innuendos and slanderous remarks that have been made relative to herself and also toward her husband, Senator Florian Chmielewski, and for the further purpose of setting the record straight with respect to both the court proceedings and the probation officer.

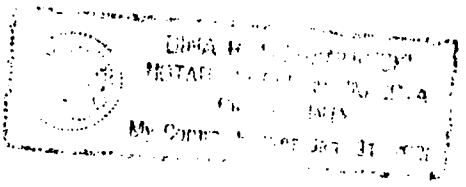
Further affiant sayeth not.

Dated: 4-8-96

Patricia Chmielewski

Subscribed and sworn to before me
this 8 day of April, 1996.

Notary Public



GTE MINNESOTA

FOR BILLING INQUIRY DIAL -NO CHARGE- 1+ -800-892-5801

TELEPHONE NUMBER 218-372-3616 CUSTOMER ID 690301
BILL DATE APR 28 1994

FLORIAN CHMIELEWSKI
RR1 BOX 388
STURGEON LK MN 55783-9755

BILLING SUMMARY	
PREVIOUS BILL	41.95
PAYMENTS, THANK YOU	41.95CR
BALANCE	.00
NEW CHARGES-	
GTE	43.95
AT&T	36.18
TOTAL NEW CHARGES	80.13

PLEASE PAY BY MAY 20

AMOUNT DUE 80.13

EXHIBIT "E"

GTE

GTE MINNESOTA

FOR BILLING INQUIRY DIAL -NO CHARGE- 1+ -800-892-5801

TELEPHONE NUMBER 218-372-3616 CUSTOMER ID 690301
BILL DATE MAY 19 1994

FLORIAN CHMIELEWSKI
RR1 BOX 388
STURGEON LK MN 55783-9755

BILLING SUMMARY

PREVIOUS BILL	80.13
PAYMENTS, THANK YOU	80.13CR
BALANCE	.00
BASIC NEW CHARGES-	
GTE	35.38
AT&T	34.50
NON-BASIC NEW CHARGES-	
GTE	1.69
AT&T	.00
TOTAL NEW CHARGES	71.57

PLEASE PAY BY JUN 19

AMOUNT DUE 71.57

EXHIBIT "E"

GTE

GTE MINNESOTA

FOR BILLING INQUIRY DIAL -NO CHARGE- 1+ -800-892-5801

TELEPHONE NUMBER 218-372-3616 CUSTOMER ID 690301
BILL DATE JUN 19 1994

FLORIAN CHMIELEWSKI
RR1 BOX 388
STURGEON LK MN 55783-9755

BILLING SUMMARY	
PREVIOUS BILL	71.57
PAYMENTS, THANK YOU	71.57CR
BALANCE	.00
BASIC NEW CHARGES-	
GTE	28.18
AT&T	64.82
NON-BASIC NEW CHARGES-	
GTE	2.41
AT&T	.00
TOTAL NEW CHARGES	95.41

PLEASE PAY BY JUL 20

AMOUNT DUE 95.41

EXHIBIT "E"

Exhibit E

STATE OF MINNESOTA DISTRICT COURT

COUNTY OF RAMSEY TENTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

vs. **AFFIDAVIT OF PATRICIA DEVITT**

Florian Chmielewski, Sr., **Court File No. K7-95-3901**

Defendant.

STATE OF MINNESOTA)
)ss.
COUNTY OF _____)

Patricia Devitt, being first duly sworn upon oath, deposes and states as follows:

1. That she is a resident of 8640 Fifth Avenue South, Bloomington, Minnesota, 55420; that she is the daughter of Senator Florian Chmielewski and that she was born and raised in Sturgeon Lake Township in Pine County, Minnesota; that she has lived at said address since March of 1988; that she was employed as a lobbyist at the State Capitol for the Minnesota Pharmaceutical Association; that she and her husband were both employed by Control Data which has become Ceridian Corporation until February of 1993; that she now remains at home as a homemaker and is not currently employed; that she has two children under school-attendance age.

2. That for many years her father, Senator Florian Chmielewski, has stayed at her home with her family where he lived several days a week year round but more often when he was in the Twin Cities on legislative work.

3. That she attended many legislative functions and performed all the necessary administrative duties that were required especially after regular capitol hours.

4. Affiant further states that when she originally received the number to exercise the Senate privileges with respect to telephoning, she was admonished and instructed by her father, Senator Chmielewski, that this number was to be used exclusively for the use of Senator Chmielewski's senate business and for no other purpose.

5. When Senator Chmielewski gave affiant the access code originally, and on each occasion when a new access code was issued and on many occasions in between, he admonished affiant that this number was to be used for senate business only and for no other purpose.

Exhibit "F"

6. That affiant further states that when her father was in town for senate business, he stayed at her home and on many occasions he went there for lunch; that on many occasions, of course, on a daily basis when he was staying there, the phone was used from her home to call on senate business by her father and were received by her father on senate business; that when the calls were made from her home on senate business by her father, he used the access code and when he made calls on other business, he did not use the access code.

7. This affidavit is given for the purpose of attempting to straighten out many misconceptions that have been observed.

Further affiant sayeth not.

Dated: 3-29-96

Patricia Devitt

Patricia Devitt

Subscribed and sworn to before me
this 29 day of March, 1996.

Ruth J Strandquist

Notary Public

RUTH J STRANDQUIST
NOTARY PUBLIC MINNESOTA
HENNEPIN COUNTY
My Comm. Expires Jan 31, 2000

EXHIBIT C

Senate Counsel & Research

G-17 State Capitol
St Paul, MN 55155
(612) 296-4791
FAX (612) 296-7747

Jo Anne Zoff Sellner
Director

Senate
State of Minnesota

March 25, 1996

Thomas J. Ryan
Attorney at Law
25 N.E. Eighth Avenue
Pine City, MN 55063

Subj: *State v. Chmielewski*, No. K7-95-3901

Dear Mr. Ryan:

Thank you for sending me a copy of your recent letter to Charles Balck regarding the restitution to be made by Senator Chmielewski for unlawful use of the Minnesota Senate's long-distance telephone system.

The purpose of this letter is to remind both you and Mr. Balck that the ultimate recipient of this money should be the Secretary of the Senate, who has paid the Department of Administration for this telephone service and desires to be reimbursed for the portion paid on behalf of Senator Chmielewski's unauthorized calls. Also, please be advised that the federal telephone tax of three percent should be added to the amount reimbursed.

Sincerely,

Peter S. Wattson
Senate Counsel

PSW:ph

cc: Charles Balck, Assistant Ramsey County Attorney
Patrick E. Flahaven, Secretary of the Senate
Senator Ember Reichgott Junge
Senator Dennis R. Frederickson
Senator Steven G. Novak
Senator Roy W. Terwilliger

EXHIBIT "C"

Exhibit H

LIST OF CHECKS RECEIVED AS OF OCTOBER 8, 1993
MINNESOTA SENATE - STAFF AND SENATORS

Name	Amount	Tax	Total
Meredith Anderson	2.32	.07	2.39
Celeste Baines	148.34	4.45	152.79
Billie Ball	1.68	.05	1.73
Colleen Barry	54.42	1.63	56.05
Janet Baumgartner	9.56	.29	9.85
Vickie Benson	5.06	.15	5.21
Hans Bjornson	149.46	4.48	153.94
Vicki Block	191.64	5.75	197.39
David Buelow	187.16	5.61	192.77
Francis Burg			274.07
Sandra Brown	146.36	4.40	150.76
Jon Brune	131.46	3.94	135.40
Barbara Burleigh	76.88	2.31	79.19
Sandra Burrill	72.22	2.17	74.39
Shirley Cardwell	50.16	1.50	51.66
Emil Carlson	10.60	.32	10.92
Becky Christenson	9.12	.37	9.49
Joyce Christenson	16.56	.50	17.06
Marge Collins	134.66	4.03	138.69
Betty Colston	31.00	1.00	32.00
Margaret Donahoe	1.28	.04	1.32
Cathy Driver	74.83	2.24	77.07
Patrice Dworak	168.70	5.06	173.76
Theresa Eiden-Morris	19.46	.58	20.04
Virginia Englehard	72.68	2.18	74.86
Bonnie Featherstone	Previously Deposited		173.98
		5.22	179.20
Kathleen Flahaven	.20	.01	.21
Pat Flahaven	21.51	.64	22.16
Kathleen Fleming	5.00	.15	5.15
Gerry Fletcher	2.16	.06	2.22
Kathleen Foley	184.02	5.52	189.54
Lucie Gebhardt	476.81	14.30	491.11
David Giel	1.00	.03	1.03
Rosemary Goff	14.58	.44	15.02
Marritta Gould	188.70	5.66	194.36
Marcia Greenfield	38.54	1.16	39.70
Jim Greenwalt	43.08	1.29	44.37
Gloria Gunville	145.13	4.35	149.48
Carolee Hall	19.09	.57	19.66
Les Heen	188.76	5.66	194.42
Mary Hennesy	3.58	.11	3.69
Randal Hove	55.41	1.66	57.07
Patricia Huizinga	Previously Deposited		95.56
			8.23

Exhibit "H"

Eric Hyland	47.52	1.43	48.95	
Peter Isaacs	13.94	.42	14.36	
Amy Janke	12.90	.39	13.29	
Ray Joachim, Jr.	189.32	5.67	194.99	
Mary Jean Johnston	12.67	.38	13.05	
David Kelliher	79.91	2.39	82.30	
Joan Kersting	7.12	.23	7.95	+ 5.00
Joetta Krittą	20.70	.62	21.32	
Tom Krueger	1.50	.05	1.55	
Toni Kuehnl	67.16	2.01	69.17	
Norma Langness	9.76	.29	10.05	
Daniel G. Larson	7.55	.23	7.78	
Sheryl LaRue	5.48	.16	5.64	
Sheryl Lehman	63.91	1.92	65.83	
Sven Lindquist	594.54	17.84	612.38	
Michael Linn	147.46	4.42	151.88	
Eileen Lunzer	37.89	1.14	39.03	
Patrick McCormack	570.00	17.10	587.10	+ $2.90
Linda McDonald	52.46	1.57	54.03	
M. McShea	185.30	5.56	190.86	
Scott Magnuson	3.98	.13	4.11	
Janine Mattson	19.51	.59	20.10	
Phil Mednick	65.64	1.97	67.61	
Kelli Metsala	77.06	2.31	79.37	
Kim Meyer	280.85	8.43	289.28	
Lee Meyerson	5.18	.16	5.34	
Glen Mills	Previously Deposited		13.34	
Erich Mische	53.00	1.59	54.59	
Mark Misukanis	10.70	.32	11.02	
Vic Moore	350.33	10.50	360.83	
Thomas Murphy	123.36	3.70	127.06	
Charles Norenberg	41.99	1.26	43.25	
David Oakes	4.89	.15	5.04	
Jenny O'Brien	124.57	3.73	128.30	
Gerald Olejar	26.40	.79	27.19	
Mark Pavelich	26.42	.79	27.21	
Connie Peltier	Previously Deposited		39.57	
Ardith Vos Peterson			67.20	
Shelly Polansky	12.10	.36	12.46	
Bill Riemerman	156.02	4.68	160.70	
Marge Romero	223.64	6.71	230.35	
Tom Sand	33.16	1.03	34.19	
Jill Schultz	534.30	16.04	550.34	
Pam Schutt	80.80	2.43	83.23	
Timothy Seck	56.73	1.70	58.43	
Marcia Seelhof	2.33	.07	2.40	
Jo Anne Sellner	6.88	.21	7.09	
Steve Senyk	21.40	.64	22.04	
Jill Sletten	39.32	1.18	40.50	
Sheila Smith	22.04	.66	22.70	
Faye Sparks			192.16	
Laurie Squillace	104.08	3.12	107.20	

Carolee Stock	190.84	5.73	196.57
Miriam Stone	84.70	2.54	87.24
Mary Thompson	47.74	1.43	49.17
Helen Tofte	Previously Deposited		28.24
	38.49	1.95	40.44
Jackie Truskolaski	21.04	.63	21.67
Chris Turner			379.86
Sharon Tyler	83.48	2.50	85.98
Al Uhl, Jr.	1.76	.05	1.81
Joyce VanGuilder	71.78	2.15	73.93
Sandra Van Wyk	1.40	.042	1.45
Manuel Vasquez	17.88	.54	18.42
Amy Vennewitz	77.81	2.33	80.14
Peter Wattson	4.96	.15	5.11
Maja Weidmann	26.86	.80	27.66
Jeri Wenzel	23.06	.69	23.75
Carol Wicke	198.24	5.94	204.18
Joseph Wierschem	47.63	1.42	49.05
Allison Wolf	180.14	5.40	185.54
Daniel Wolf	7.70	.23	7.93

If a name or amount is on the list, it should not be assumed that the person made personal long distance calls or the amount represents personal calls. One should look at the underlying forms and letters submitted by each individual before one makes any inferences

Name	Amount	Tax	Total
Betty Adkins	180.08	5.40	185.48
Tracy Beckman	28.62	.86	29.48
Duane Benson	Previously Deposited		14.78
	32.00	1.40	33.40
Joanne Benson	9.28	.28	9.56
Florian Chmielewski	59.40	1.84	61.24
Richard Cohen	9.20	.28	9.48
Dick Day	Submitted Letter		
Carol Flynn	25.00	.75	25.75
Dean Elton Johnson	44.58	1.34	45.92
Janet Johnson	52.18	1.56	53.74
Gary Laidig	175.66	5.27	180.93
Keith Langseth	48.58	10.00 (for 3% tax and possible other calls that could have been overlooked $58.48	
Cal Larson	21.04	.63	21.67
Bill Luther	14.26	.43	14.69
Patrick McGowan	134.35	4.03	138.38
James Metzen	9.94	.30	10.24
Roger D. Moe	115.40	3.47	118.87
Steve Morse	44.46	1.18	45.64
Thomas Neuville	14.98	.45	15.43
Steve Novak	26.72	.80	27.52
Gen Olson	4.58	.14	4.72
Patricia Pariseau	25.12	.75	25.87
Pat Piper	58.72	1.76	60.48
Lawrence J. Pogemiller	8.20	.25	8.45
Ember Reichgott	6.98	.21	7.19
Don Samuelson	11.60	.35	11.95
Alan Spear	2.90	.09	2.99
LeRoy Stumpf	19.40	.58	19.98
Roy Terwilliger	Previously Deposited		75.16
Jim Vickerman	44.24	1.33	45.57

If a name or amount is on the list, it should not be assumed that the person made personal long distance calls or the amount represents personal calls. One should look at the underlying forms and letters submitted by each individual before one makes any inferences.

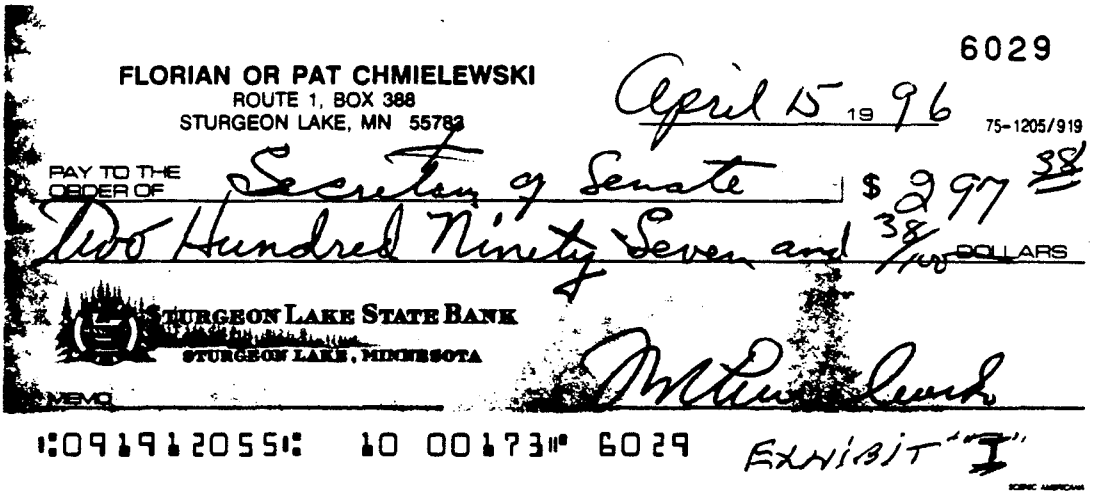
Checks Submitted with Listings of Phone Calls 10-18-93

Staff

Billie Ball	23.46	.70	24.16
Sandra Burrill	17.47	.52	17.99
Clare Dreis	1.60	.05	1.65
Theresa Eiden-Morris	15.56	.47	16.03
Bonnie Featherstone	10.43	.31	10.74
Marilyn Hall	218.50	6.56	225.06
Blaire Hartley	4.42	.13	4.55
Pat Helmberger	3.70	.11	3.81
Patrick McCormack	Paid total tax 10-8-93		19.91
Dan McGowan	336.18	10.09	346.27
Miriam Stone	32.98	.99	33.97
Joyce VanGuilder	10.24	.31	10.55
Sandie VanWyk	24.44	.73	25.17
Peter Wattson	6.92	.21	7.13

Senators

Dick Day	24.70	.74	25.44
Paula Hanson	95.15		
Pat Piper	4.76	.14	4.90



6029

FLORIAN OR PAT CHMIELEWSKI
ROUTE 1, BOX 388
STURGEON LAKE, MN 55783

April 15 19 96

75-1205/919

PAY TO THE ORDER OF Secretary of Senate $ 297 38/100

Two Hundred Ninety Seven and 38/100 DOLLARS

STURGEON LAKE STATE BANK
STURGEON LAKE, MINNESOTA

MEMO

M Chmielewski

⑆091912055⑆ 10 00173⑈ 6029

EXHIBIT "I"

EXHIBIT "I"

STATE OF MINNESOTA Exhibit J

DISTRICT COURT

COUNTY OF RAMSEY

TENTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

vs.

AFFIDAVIT OF TIM MICHAELS

Florian Chmielewski, Sr.,

Court File No. K7-95-3901

Defendant.

STATE OF MINNESOTA)
)ss.
COUNTY OF _____)

Tim Michaels being first duly sworn upon oath deposes and states as follows:

1. That he is now and has been an employee of the Minnesota Senate since 1980.

2. That affiant has been employed as a staff person to Senator Florian Chmielewski from 1980 to present.

3. That affiant, as a part of the normal office routine, has referred telephone calls that were related to Senate business to Senator Chmielewski at his children's home when the Senator wasn't available at his capitol office or his home in Sturgeon Lake.

Further affiant sayeth not.

Dated: 4-2-96

Tim Michaels
Tim Michaels

Subscribed and sworn to before me
this 4 day of April, 1996.

Mary S. Thompson
Notary Public

MARY S. THOMPSON
NOTARY PUBLIC - MINNESOTA
WASHINGTON COUNTY
My Commission Expires Jan. 31, 2000

EXHIBIT "J"

- Exhibit "K"

TO WHOM IT MAY CONCERN:

This is to state that I, Goldie D. Frost, am now and have been an employee of the Minnesota Senate for the last twelve sessions beginning with January of 1985.

Also, that I, Goldie D. Frost, was employed as a staff person to Senator Florian Chmielewski from January 7, 1993 through January 15, 1996, and that I am presently employed as a full time staff person to Senator Don Samuelson.

Also, that I, Goldie D. Frost, while employed as a staff person to Senator Florian Chmielewski, did refer telephone calls that were related to Senate business to Senator Chmielewski at his children's home when the Senator wasn't available at his Capitol office or his home in Sturgeon Lake, Minnesota.

Dated: April 10, 1996

Signed: Goldie D. Frost

Subscribed and sworn to before me

this 10 day of April, 1996.

Mary S. Thompson

Notary Public

MARY S. THOMPSON
NOTARY PUBLIC - MINNESOTA
WASHINGTON COUNTY
My Commission Expires Jan. 31, 2000

Exhibit "K"

EXHIBIT "C"

Exhibit A

STATE OF MINNESOTA DISTRICT COURT

COUNTY OF RAMSEY TENTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

vs. **AFFIDAVIT OF PHYLLIS JOHNSON**

Florian Chmielewski, Sr., **Court File No. K7-95-3901**

Defendant.

STATE OF MINNESOTA)
)ss.
COUNTY OF _____)

Phyllis Johnson being first duly sworn upon oath deposes and states as follows:

1. That she is a resident of 8645 Fifth Avenue South, Bloomington, Minnesota 55420, and that he lives with her husband, Harry Johnson at said address.

2. That affiant has lived at said residence prior to the time Devitts moved to the neighborhood in March of 1988; that the Johnsons and the Devitts live across the street from each other, Patricia Devitt being the daughter of Florian Chmielewski.

3. That affiant's family and the Devitt family are active in the neighborhood community, have attended block parties, and visit back and forth regularly.

4. That affiant is well acquainted with Patricia Devitt's father, Senator Florian Chmielewski, because of all those constant contacts at the Devitt home between affiant and the Senator.

5. That affiant knows of her own knowledge that Senator Chmielewski utilizes the Devitt home as his place of abode.

Further affiant sayeth not.

Dated: ~~March 4, 1996~~ April 1, 1996

Phyllis E. Johnson
Phyllis Johnson

Subscribed and sworn to before me
this 1 day of April, 1996.

Sandra L. Steadman
Notary Public

Sandra L. Steadman
NOTARY PUBLIC MINNESOTA
MY COMMISSION EXPIRES
JANUARY 31, 2000

Exhibit "L"

STATE OF MINNESOTA EXHIBIT "M" DISTRICT COURT

COUNTY OF RAMSEY TENTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

vs.

Florian Chmielewski, Sr.,

Defendant.

AFFIDAVIT OF HARRY JOHNSON

Court File No. K7-95-3901

STATE OF MINNESOTA)
)ss.
COUNTY OF _____)

Harry Johnson being first duly sworn upon oath deposes and states as follows:

1. That he is a resident of 8645 Fifth Avenue South, Bloomington, Minnesota 55420, and that he lives with his wife, Phyllis Johnson at said address.

2. That affiant has lived at said residence prior to the time Devitts moved to the neighborhood in March of 1988; that the Johnsons and the Devitts live across the street from each other, Patricia Devitt being the daughter of Florian Chmielewski.

3. That affiant's family and the Devitt family are active in the neighborhood community, have attended block parties, and visit back and forth regularly.

4. That affiant is well acquainted with Patricia Devitt's father, Senator Florian Chmielewski, because of all those constant contacts at the Devitt home between affiant and the Senator.

5. That affiant knows of his own knowledge that Senator Chmielewski utilizes the Devitt home as his place of abode.

Further affiant sayeth not.

Dated: April 1, 1996

Harry E Johnson
Harry Johnson

Subscribed and sworn to before me
this 1 day of April, 1996.

Sandra L Steadman
Notary Public

Sandra L Steadman
NOTARY PUBLIC MINNESOTA
MY COMMISSION EXPIRES
JANUARY 31, 2000

EXHIBIT "M"

Exhibit N

STATE OF MINNESOTA DISTRICT COURT

COUNTY OF RAMSEY TENTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

vs. **AFFIDAVIT OF VERLA OLSON**

Florian Chmielewski, Sr., **Court File No. K7-95-3901**

Defendant.

STATE OF MINNESOTA)
)ss.
COUNTY OF _____)

Verla Olson being first duly sworn upon oath deposes and states as follows:

1. That she is a resident of 8634 Fifth Avenue South, Bloomington, Minnesota 55420, and that she lives with her husband, Roger Olson at said address.

2. That affiant has lived at said residence prior to the time Devitts moved to the neighborhood in March of 1988; that the Olsons and the Devitts are next-door neighbors, Patricia Devitt being the daughter of Florian Chmielewski.

3. That affiant's family and the Devitt family are active in the neighborhood community, have attended block parties, and visit back and forth on occasion.

4. That affiant is well acquainted with Patricia Devitt's father, Senator Florian Chmielewski, because of all those constant contacts at the Devitt home between affiant and the Senator.

5. That affiant knows of her own knowledge that Senator Chmielewski utilizes the Devitt home as his place of abode.

Further affiant sayeth not.

Dated: April 1, 1996

Verla Olson

Subscribed and sworn to before me
this 1st day of April, 1996.

Susan Moran
Notary Public

SUSAN MORAN
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES MARCH 17, 2

Exhibit "N"

EXHIBIT O

STATE OF MINNESOTA DISTRICT COURT

COUNTY OF RAMSEY TENTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

vs. **AFFIDAVIT OF ROGER OLSON**

Florian Chmielewski, Sr., **Court File No. K7-95-3901**

Defendant.

STATE OF MINNESOTA)
)ss.
COUNTY OF _____)

Roger Olson being first duly sworn upon oath deposes and states as follows:

1. That he is a resident of 8634 Fifth Avenue South, Bloomington, Minnesota 55420, and that he lives with his wife, Verla Olson at said address.

2. That affiant has lived at said residence prior to the time Devitts moved to the neighborhood in March of 1988; that the Olsons and the Devitts are next-door neighbors, Patricia Devitt being the daughter of Florian Chmielewski.

3. That affiant's family and the Devitt family are active in the neighborhood community, have attended block parties, and visit back and forth on occasion.

4. That affiant is well acquainted with Patricia Devitt's father, Senator Florian Chmielewski, because of all those constant contacts at the Devitt home between affiant and the Senator.

5. That affiant knows of his own knowledge that Senator Chmielewski utilizes the Devitt home as his place of abode.

Further affiant sayeth not.

Dated: April 1, 1996

Roger Olson

Roger Olson

Subscribed and sworn to before me
this 1st day of April, 1996.

Susan Moran

Notary Public

SUSAN MORAN
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES MARCH 17, 2000

EXHIBIT O

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

TENTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

vs.

AFFIDAVIT OF JOYCE DEVITT

Florian Chmielewski, Sr.,

Court File No. K7-95-3901

Defendant.

STATE OF MINNESOTA)
)ss.
COUNTY OF _____)

Joyce Devitt being first duly sworn upon oath deposes and states as follows:

1. That she is a resident of 7600 - 13th Avenue South, Richfield, Minnesota 55423, and that she resides at this address with her husband Maurice Devitt; that affiant has lived at said residence for approximately the past 34 years.

2. That affiant is well acquainted with Senator Florian Chmielewski, because she is the mother-in-law of Patricia Devitt, who is the daughter of Senator Florian Chmielewski.

3. That affiant is further acquainted with Senator Chmielewski because the Senator has frequented her home for dinners or other social occasions.

4. Affiant knows that Senator Chmielewski has resided at the home of his son and daughter-in-law on an annual lease-hold basis; that affiant knows of her own knowledge that Senator Chmielewski utilizes this home as his place of abode and place of senatorial office work during the legislative sessions as well as during the time when he may be engaged in senatorial committee or commission work for the State of Minnesota..

Further affiant sayeth not.

Dated: 4-2-96

Joyce Devitt

Joyce Devitt

Subscribed and sworn to before me
this 2ND day of April, 1996.

Notary Public

MARK A. WYSONG
NOTARY PUBLIC - MINNESOTA
HENNEPIN COUNTY
My Comm. Expires Jan 31 2000

Exhibit "P"

STATE OF MINNESOTA DISTRICT COURT

COUNTY OF RAMSEY TENTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

vs. **AFFIDAVIT OF MAURICE DEVITT**

Florian Chmielewski, Sr., **Court File No. K7-95-3901**

Defendant.

STATE OF MINNESOTA)
)ss.
COUNTY OF _____)

Maurice Devitt being first duly sworn upon oath deposes and states as follows:

1. That he is a resident of 7600 - 13th Avenue South, Richfield, Minnesota 55423, and that he resides at this address with his wife Joyce Devitt; that affiant has lived at said residence for approximately the past 34 years.

2. That affiant is well acquainted with Senator Florian Chmielewski, because he is the father-in-law of Patricia Devitt, who is the daughter of Senator Florian Chmielewski.

3. That affiant is further acquainted with Senator Chmielewski because the Senator has frequented his home for dinners, social occasions and also to discuss labor issues which affiant was a member of.

4. Affiant knows that Senator Chmielewski has resided at the home of his son and daughter-in-law on an annual lease-hold basis; that affiant knows of his own knowledge that Senator Chmielewski utilizes this home as his place of abode and place of senatorial office work during the legislative sessions as well as during the time when he may be engaged in senatorial committee or commission work for the State of Minnesota.

Further affiant sayeth not.

Dated: 4/2/96

Maurice J. Devitt
Maurice Devitt

Subscribed and sworn to before me
this 2ND day of APRIL, 1996.

Notary Public

MARK A. WYSONG
NOTARY PUBLIC - MINNESOTA
HENNEPIN COUNTY
My Comm. Expires Jan 31 2000

EXHIBIT Q

Exhibit R

STATE OF MINNESOTA DISTRICT COURT

COUNTY OF RAMSEY TENTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

vs. **AFFIDAVIT OF MARK CHMIELEWSKI**

Florian Chmielewski, Sr., **Court File No. K7-95-3901**

Defendant.

STATE OF MINNESOTA)
)ss.
COUNTY OF _____)

Mark Chmielewski, being first duly sworn upon oath, deposes and states as follows:

1. That he is a resident of 1613 - 72nd Avenue North, Brooklyn Center, Minnesota 55430, and has been for the past twelve years; that he is the son of Senator Florian Chmielewski; that he is married and has four children; that he had been employed for four years by Techni-Foam Company of Plymouth, Minnesota; that he is no longer employed by said company.

2. That affiant states that during a few of the recent years his father has leased at affiant's home during legislative sessions and during legislative committee work on a part-time but yearly basis; that as a result his father, Senator Florian Chmielewski, would be at affiant's home intermittently and that while he was there, calls would come and go that had to do with senate business and were referred by Senator Chmielewski's senate office, that the calls made on senate business were calls made using the access code, and since affiant did some work for Senator Chmielewski, he was privy to the access code.

3. That when Senator Chmielewski disclosed the access code to affiant for affiant's use for contacting Senator Chmielewski on senate business, affiant was admonished and was warned by his father that under no circumstances was this number to be disclosed to anyone else, and that under no circumstances was the number to be used for anything other than senate business related calls; that on each occasion when the number changed and the new number was disclosed to affiant for senate purposes, Senator Chmielewski again, on each occasion, admonished and warned affiant of the prohibition against the use for anything other than senate business; that on many occasions between the changes of access codes, Senator Chmielewski repeatedly warned this affiant that this number was to be used for no other purpose but senate business.

Exhibit "R"

4. This affidavit is given for the purpose of attempting to straighten out some of the misconceptions that have been observed in the various facets of media.

Further affiant sayeth not.

Dated: 4/3/96

Mark Chmielewski

Subscribed and sworn to before me
this 3RD day of APRIL, 1996.

Notary Public

JERRY R. DAHL
NOTARY PUBLIC - MINNESOTA
HENNEPIN COUNTY
My Comm. Expires Jan. 31, 2000

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

TENTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

vs.

AFFIDAVIT OF JOHN DOYLE

Florian Chmielewski, Sr.,

Court File No. K7-95-3901

Defendant.

STATE OF MINNESOTA)
)ss.
COUNTY OF _____)

John Doyle being first duly sworn upon oath deposes and states as follows:

1. That he is a resident of 8601 Fifth Avenue South, Bloomington, Minnesota 55420, and that he resides at this address with his wife Karen Doyle and their young family.

2. That affiant has lived at said residence for approximately the past 3 1/2 years; that the Doyles and the Devitts are neighbors, Patricia Devitt being the daughter of Florian Chmielewski.

3. That affiant's family and the Devitt family are active in the neighborhood community, have attended block parties, and visit back and forth on a regular basis, sometimes as much as several times a week.

4. That affiant is well acquainted with Patricia Devitt's father, Senator Florian Chmielewski, because of all those constant contacts at the Devitt home between Patricia Devitt and her father and the Doyles.

5. That affiant is further acquainted with Senator Chmielewski because Senator Chmielewski played his accordion at affiant's mother-in-law's birthday party.

6. That affiant knows of his own knowledge that Senator Chmielewski utilizes the Devitt home as his place of abode.

Further affiant sayeth not.

Dated: April 2, 1996

John Doyle

Subscribed and sworn to before me
this 2nd day of April, 1996.

Linda A. McNamara
Notary Public

LINDA A. McNAMARA
NOTARY PUBLIC - MINNESOTA
MY COMMISSION EXPIRES 1-31-97

EXHIBIT "S"

Exhibit T

STATE OF MINNESOTA DISTRICT COURT

COUNTY OF RAMSEY TENTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

vs. **AFFIDAVIT OF KAREN DOYLE**

Florian Chmielewski, Sr., **Court File No. K7-95-3901**

Defendant.

STATE OF MINNESOTA)
)ss.
COUNTY OF _____)

Karen Doyle being first duly sworn upon oath deposes and states as follows:

1. That she is a resident of 8601 Fifth Avenue South, Bloomington, Minnesota 55420, and that she resides at this address with her husband John Doyle and their young family.

2. That affiant has lived at said residence for approximately the past 3 1/2 years; that the Doyles and the Devitts are neighbors, Patricia Devitt being the daughter of Florian Chmielewski.

3. That affiant's family and the Devitt family are active in the neighborhood community, have attended block parties, and visit back and forth on a regular basis, sometimes as much as several times a week.

4. That affiant is well acquainted with Patricia Devitt's father, Senator Florian Chmielewski, because of all those constant contacts at the Devitt home between Patricia Devitt and her father and the Doyles.

5. That affiant is further acquainted with Senator Chmielewski because Senator Chmielewski played his accordion at affiant's mother's birthday party.

6. That affiant knows of her own knowledge that Senator Chmielewski utilizes the Devitt home as his place of abode.

Further affiant sayeth not.

Dated: April 2, 1996

Karen Doyle

Subscribed and sworn to before me
this 2nd day of April, 1996.

Linda A. McNamara
Notary Public

LINDA A. McNAMARA
NOTARY PUBLIC - MINNESOTA
MY COMMISSION EXPIRES 1-31-00

Exhibit "T"

FLORIAN C. CHMIELEWSKI
President Pro tem of the Senate
Room 325, State Capitol
75 Constitution Avenue
St. Paul, MN 55155-1606
(612) 296-4182
Home:
Sturgeon Lake, Minnesota 55783
(218) 372-3616

Senate
State of Minnesota

April 18, 1996

Patrick E. Flahaven
Secretary of the Senate
Room 231, State Capitol
St. Paul, MN 55155

Dear Pat:

Pursuant to instructions received from Peter S. Wattson, I am enclosing a check in the amount of $297.38 as restitution to the Minnesota Senate for telephone calls that I could not determine to be related to legislative business, but which were charged to my Senate telephone access number.

Please note that the amount of restitution includes both the actual cost of the telephone charges and the applicable federal telephone tax of three percent.

Sincerely,

Florian

Senator Florian Chmielewski

FC: tm
encl.

6029

FLORIAN OR PAT CHMIELEWSKI
ROUTE 1, BOX 388
STURGEON LAKE, MN 55783

April 15 19 96

75-1205/9

PAY TO THE ORDER OF Secretary of Senate $ 297 35

Two Hundred Ninety Seven and 35/100 DOLLARS

STURGEON LAKE STATE BANK
STURGEON LAKE, MINNESOTA

MEMO

F. Chmielewski

⑆091912055⑆ 10 00173⑈ 6029

EXHIBIT "I"

STATE OF MINNESOTA DISTRICT COURT

COUNTY OF RAMSEY SECOND JUDICIAL DISTRICT

State of Minnesota, File No. K7-95-3901

Plaintiff,

vs. TRANSCRIPT OF SENTENCING

Florian Chmielewski, Sr.,

Defendant.

The above-entitled matter came on for hearing before the Honorable Kenneth J. Fitzpatrick, Judge of District Court, on the 22nd day of April, 1996.

A P P E A R A N C E S

Charles M. Balck, Assistant Ramsey County Attorney, appeared on behalf of Plaintiff.

Thomas J. Ryan, Esq., appeared on behalf of Defendant.

Art Mills appeared from the Department of Community Services.

PROCEEDINGS

MR. RYAN: Good afternoon, Judge.

THE COURT: Good afternoon.

MR. BALCK: Your Honor.

THE COURT: Will you note your appearance here today, counsel?

MR. BALCK: Charles Balck, B-A-L-C-K, Assistant Ramsey County Attorney appearing on behalf of the State of Minnesota.

MR. RYAN: Thomas J. Ryan, Pine City, Minnesota, representing the defendant.

THE COURT: The matter is before us today for sentencing, the defendant having entered a plea of guilty to the charge of misconduct of a public officer. This is a gross misdemeanor which has a maximum penalty of up to a $3,000.00 fine and/or one year in prison. I have requested and received a pre-sentence investigation. The matter is here at this time for sentencing.

Who wants to begin first here with respect to the issue of restitution before we get into the sentencing?

MR. BALCK: Your Honor, if I may, very briefly. The State has reviewed all of the records in its possession regarding the issue of restitution. And we have pulled off of our original estimate any calls that we felt would be

attributable to Jeffrey Chmielewski, the son of this defendant, any calls attributable to Loran Dolash, who was the business partner of Jeffrey Chmielewski, any calls that we attribute to The Gambler, which was the business that was operated by Dolash and Jeffrey Chmielewski. And we did that because we do have the Jeffrey Chmielewski matter pending for trial and we wanted to have as complete a record of calls that we were completely comfortable with in terms of number and the amount of time involved with those calls. So, from our original estimate of 47 hundred dollars that we provided to Mr. Mills from the Department of Corrections, the State is now taking the position that the amount of restitution that we are requesting, including the federal excise tax, is $3,841.29. I have the records for those calls spread by computer in three different fashions: one chronological, by the date of the call, one by the person who -- excuse me -- the number where the call was made from, and the number where the call went to. And the calls will indicate that they are family members of this defendant, or in one case I believe there's an associate, a musical band associate, Mr. Loren Lindevig. So I have those records present in court and I would offer them to the Court at this time. I do have a copy of these records for Mr. Ryan. The State is prepared at this time, Your Honor, if required, to offer testimony as to the

preparation of those records and how we came about with the numbers indicated.

THE COURT: All right. Mr. Ryan, do you want the State to proceed to prove up these numbers?

MR. RYAN: Your Honor, we would urge on the Court to follow the analysis that we diligently worked through that I served -- not served exactly, but left with you last Wednesday. And I also supplied Mr. Balck a copy of those. In that analysis and digest, it points out that about half of the calls that are on their original list, at least, and probably still on this list, because I think the calls they are going to refer to now do not involve Jeff or Dolash. About half of those don't have any to-or-from way that you can check on 'em. In addition to that, the County apparently continues, the State continues, to count all calls made between the home in which Senator Chmielewski lived when he was down here, namely, his daughter's home in Bloomington, which he uses an office, and he also rented by the year space to stay here instead of staying at the St. Paul Hotel, for example. And the State, I believe, has counted, in our analysis anyway, it appears that it has counted every call that Senator Chmielewski made from his daughter's home using the access code, to, for example, the courthouse in Cloquet -- Carlton County, rather, to various places around the state. And also, particularly, we object

to the ones that merely went to his home to check with his wife who takes care of the constituency as they call in at the home. I think that serious consideration should be given to the evidence that we presented. And I did it ahead of time so that the State would have a chance to look at it and you would have a chance to look at it, too, knowing that you wouldn't want to spend a whole day here on just restitution. I felt we would put our effort in that way. If there's going to be a hearing, then I did make a motion some long time ago that we have a separate restitution hearing, because I envision that it would take quite awhile and I didn't think that you would want to do it on the day of sentencing. If it should be done later, that would be all right too, I have no objection to that. But I don't think a determination should be made the way the record now stands today as to the exact amount. We have computed it to be slightly under 3 hundred dollars. And that's giving the benefit of the doubt to some that were -- we were not sure about, so we put them in anyway. It amounts to $297. Also I wish to point out that, again, the only -- the only months inside of the statute of limitations period, namely, December 5, 1992, December 5, 1995, that were in there and were shown to us by Mr. Balck at the time we were here on the fifth of December when we recessed, that covers three months, April, May and June of

1994, I believe. Those three months, when we -- really, the ones that were presented here at the time of the plea. And we were shown them for the first time that day in a recess from the plea. When we got checking back over Senator Chmielewski's calls -- and incidentally, those calls were supposed to be between his home or to his home -- we found that he himself had used his own telephone, Sturgeon Lake number, not the Senate access code, in each of those three months and I presented the bills for those three months in the packet that I presented on Wednesday of last week. And those amount to, I can't remember the exact figure, but somewhere in the neighborhood during the same three months that they are saying that he used the Senate access code in a non-Senate mode, during that same three months, the Chmielewski's bill, private home, 218 number at his home in northern Minnesota, had an expenditure of over $250 on his own phone. Now, it isn't very logical, I think, to say on the one hand that these calls that were made to and from his home are not having to do with business when during the same months that he didn't use the access code for $250 worth of calls on his private phone. If he were going to be inordinately using the access code why would he put it on the 218 number when he was actually calling a private number? And that's a private person matter. And not

something to do with his public office. So I just don't think what the State has presented here can be taken carte blanche and simply assessed in that manner. We're partly talking not necessarily about the amount, we're talking about the culpability of what appears from that amount. You know. And we don't believe that there's that much misuse. And we believe that we have carefully gone over the files -- I mean the records, we have separated them out, and they wind up with $257 that we believe should be paid back.

MR. BALCK: Your Honor, may I make just one comment --

THE COURT: Before you get into that. With respect to the telephone bills relating to Jeffrey and his company, which amount to roughly a thousand dollars, I believe --

MR. BALCK: I believe that's correct, Your Honor.

THE COURT: What happens to those in the event that the public is not reimbursed for those calls?

MR. BALCK: Your Honor, the State of Minnesota would -- Are you referring to a criminal process restitution? The State of Minnesota still would retain any remedy it would have to seek restitution from either the party directly connected to those calls, or from Senator

Chmielewski himself.

THE COURT: But you would not be able to pursue those in a criminal context?

MR. BALCK: We will be pursuing that, Your Honor against Jeffrey Chmielewski in the separate matter beginning next week.

THE COURT: I understand that. But my concern is responsibility in the event that those are not ultimately paid in some form by someone other than this defendant.

MR. BALCK: That's correct. If we added those numbers back in, Your Honor, then we would be approaching the 45 or 46 hundred dollars. So it is the State's position and has been all along that this defendant, even in his plea of guilty, admitted that it was his failing to supervise the use of that access code number that was responsible for all of these phone calls, including those of his son and his son's transferring it on to Mr. Dolash. The reason I pulled those out is because I wanted to have as clear and clean a package of calls that we felt was directly attributable to the senator and his family members other than a charged defendant.

MR. RYAN: Your Honor, may I comment?

THE COURT: Yes.

MR. RYAN: What Senator Chmielewski pled to is a

carelessness, or whatever you might call it, in a ministerial function. He did not -- he did give the number to the persons in the family that worked for him and/or from whose home he made calls and lived at. Certainly I don't think that he should be -- it should be considered, and I understood that they were leaving that out, now apparently they put it back in again, the Dolash, Gambler, Jeff calls, really are -- he didn't give that number to anybody. Anybody that wasn't actually doing some work for him. And so it's tantamount to saying that anybody that might have stolen my number I'm liable for. And I just don't feel that that is a fair way of approaching this. And I understood when you started out, Mr. Balck, that you had dropped that out of it. Now is it back in again or what?

MR. BALCK: That's going to be up to the Court in its ruling to decide what's going to be included. Regarding giving that number out, I will call to the Court's attention and in the filing and it's been in all of the files we showed Mr. Ryan, in addition to the family members that the Senator claims to have given the number to use for Senate business, we also have calls by Florian, Junior, who has used that card; we have calls by a sister-in-law, Marylou Harrison, who used that card. So there are people other than even the ones the Senator

admits to having given that number to that have used that access code.

MR. RYAN: Marylou Ander -- Henderson. That's not an example, that's exactly what we're talking about here, and we're willing to pay for. That was a number given by somebody that had the number legitimately, namely, Mr. Chmielewski's wife, who had to have it. And that was given to her sister. We admit that was not the right thing to do. Her sister was supposed to call her in case something happened to one of the parents in Duluth. She didn't call her. But she did call other people, unbeknown to anybody present. And so that should be paid for. No doubt about it. But that's the same thing as Jeffrey stealing the number or whatever -- however he got it, I don't know. Or Dolash using the number. Like a stolen number. And it would be similar to if you lost your credit card, I suppose, and somebody used your credit card.

THE COURT: I don't find the similarity hardly appropriate, counsel. I believe we should go ahead with proving up the -- before we go ahead with proving up the exact costs involved in this, I do want to say that I am disturbed with two things involved here. Number one is, I'm concerned that a perception has been given that the incident that we're dealing with is something short of a serious crime. Number two, I'm disturbed at the lack of

assumption of the moral requirements of assuming responsibility for the abuse of this telephone credit card. I am wondering whether we should not give consideration to withdrawing the plea in this matter and setting the matter down for trial.

MR. RYAN: Do you wish a response, Your Honor?

THE COURT: I certainly do.

MR. RYAN: Can you give me about 10 minutes, please?

THE COURT: All right.

MR. RYAN: Well, I don't think it's my decision. My client has to make that decision and I would like to have 10 minutes with him, please.

THE COURT: We'll take a 10 minute recess.

(A brief recess was taken.)

THE COURT: Will the defendant step forward then, please?

Counsel, is there any further statement that you would like to make before we proceed with sentencing?

MR. RYAN: Well, Your Honor, I would like to make a statement if I may.

THE COURT: Go ahead.

MR. RYAN: Senator Florian Chmielewski is a man 69 years of age, lifelong resident of Minnesota, and has lived the entire time in the small city of Sturgeon Lake in northern Pine County. He was educated at the local schools and has followed the field of music as an avocation for all these years. At one time he taught music in the high school in nearby Willow River. However, in more recent years, and particularly since the state constitution was amended providing for annual sessions, he curtailed his interest in music and concentrated even more on being an active and innovative state senator dedicated to representing the people in Minnesota and the people of the Eighth Congressional District.

I have known Senator Chmielewski and his family and his father and mother, even, since 1961. When I first became acquainted with him he was elected the then elected Pine County commissioner representing northern Pine County. He did a memorably fine job for 10 years in this capacity.

In 1970 he sought the office of state senator, was elected, and reelected in 1972, 1976, 1980,1982, 1986, 1990, and 1992, and will be seeking reelection in the fall of 1996. I represented him successfully in his first effort for the Senate in 1970, as this election was so close it resulted in a recount. The Senate was split at the time 33 to 33 in the 1971 session, until the action on the recount was completed and Senator Chmielewski was sworn in and seated. Then became 34 to 33 and they were able to organize probably about February of that year. The four counties then comprising his district were Kanabec, Mille Lacs, Pine, and Sherburne. It should be noted that Senator Chmielewski returned to the Senate in each of the above years despite the fact that reapportionment pursuant to the semiannual census altered the district; namely, pursuant to the 1970, 1980 and 1990 dicennial census the constituency of the district changed considerably. Yet, on each occasion the electorate supported him with a substantial vote of confidence and respect for his integrity.

Florian Chmielewski's main purposes in life are and always have been his religion, his family, his constituents and his interest in music and his devotion to the state legislative process. His vocation and avocation is public service. He has no other interests than those just enumerated. He doesn't now nor has he ever drank, smoke or

swore. He doesn't play golf, fish or travel, except in his work. Nor does he enjoy sports or recreation. His interest, and his only interest, outside of the Senate is the devotion of his time and music to any and all (unintelligible) functions, be it church, civic, charitable fundraising events, kids' birthdays, old folks' anniversries, and so forth.

Florian Chmielewski at the age of 69 is experiencing his first connection with the court system. He, of course, has no record and I guess that he now will have. This despite the fact that he bears no overt culpability himself.

On December fifth, 1995 he admitted to you, Judge Fitzpatrick, he had a responsibility and did not fully perform that responsibility in a satisfactory manner, preferring to permit his associates use of the telephone.

The media has had a field day with Phonegate and I suppose the juices generated by a homespun, unsophisticated country legislator caused the media to wax eloquently and sometimes humorously, and sometimes accurate and sometimes inaccurate, perceptions of the facts and nature of the case. Most of the media's perception, I hope, or better yet, I know, will be given little or no credit by this Court. I am confident the Court will not accede to suggestions as to outcomes generated by the media. I am

further confident that the Court will address the conclusion of this case to insure equality with other cases evidencing the same degree of culpability.

I feel that the Court should be apprised of some of Florian Chmielewki's background not covered by the state probation officer. I realize the tremendous volume assigned to specialists like Art Mills that preclude them from delving into background information.

A few years back an article honoring Senator Chmielewski appeared as a cover story in the Minnesota Sheriffs publication. Also, he was honored by a cover story in a Minnesota State Patrol publication two years ago. In addition, he was recognized by the Minnesota Family Council who honored him by bestowing an award for dedication to efforts promoting Minnesota families and family values. This was just last November, November 1995. And it was the first time this honor was bestowed upon an encumbent member of the Minnesota state legislature.

I ask the Court to consider the age and service of the defendant, the defendant's absence of intent, planning or premeditation. Also take into account the absence of any record, and recommendation of the state probation officer, Art Mills, as to the disposition. I ask the Court to recognize the ministerial error of a nonfeasance by a very moral person.

THE COURT: Anything further, counsel?

MR. RYAN: Nothing further, Your Honor.

THE COURT: The defendant wish to make any statement?

THE DEFENDANT: Your Honor, I certainly regret the entire incident and I will certainly follow the orders religiously as Mr. Ryan explained. I am very sorry about the incident.

THE COURT: The State have anything to add here?

MR. BALCK: Nothing, Your Honor.

THE COURT: I would say, and I do want to make it clear, that what occurred is something more than an error. It's a violation of the law and it's a crime to which you admitted. And I do want that to be made clear. And you do understand that you are admitting to a crime; is that correct?

THE DEFENDANT: I do understand.

THE COURT: It is also the position of the Court that the responsibility for the numbers of phone calls which resulted were a result of using your telephone is the responsibility that you have and I do require that you assume that responsibility and make compensation to the public coffers for those costs.

With respect to this matter, I am going to defer the imposition of sentence. That will be stayed and you will

be placed on probation for a period of two years. The conditions of probation will be the standard conditions of probation. In addition, you will be required to make restitution prior to the end of that two year period in the amount of $3,841.29. In addition to that restitution, you shall be required to make restitution in an amount approximately an additional one thousand dollars. Do you have the exact figure there?

MR. BALCK: I believe it was 47 -- $4,731.16 Your Honor.

THE COURT: You will be required to make the full restitution of $4,731.16 within that two year period, in the event that the parties, which include Jeffrey, is determined legally that they are not responsible for that difference in cost. Should that event occur, then you shall be responsible to make restitution for that full amount. Do you understand that?

THE DEFENDANT: I understand that.

MR. BALCK: Excuse me, Your Honor. I apparently misspoke. The total figure in the event that Jeffrey Chmielewski does not make any restitution did not include the 3 percent federal excise tax we have been informed by the senate state. Totalling $4,873.10. That would include the 3 percent tax.

THE COURT: Is that 3 percent for the entire 48

-- that includes the original payment of 38.

MR. BALCK: The 38 hundred figure would include the 3 percent.

THE COURT: Okay. So that the total then in the event that Jeffrey is found not to be legally responsible for the difference, that will be $4,873.10.

MR. RYAN: Your Honor, would that be Dolash also?

THE COURT: Dolash and Jeffrey. That thousand dollars figure.

THE DEFENDANT: I understand.

THE COURT: Then if that's determined legally that they are not responsible, then you shall make restitution for that difference. And that has to be accomplished within that two year period. In addition, I will be requiring that you do one hundred hours of voluntary community service. And that should be accomplished within a year. And that will be done under the supervision of Court Services. Do you understand all those conditions?

THE DEFENDANT: I do understand, Your Honor.

THE COURT: Do you agree to comply with them?

THE DEFENDANT: I do agree.

THE COURT: Any other questions? Court will recess.

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

CERTIFICATE

I, DALE W. CARPENTER, an Official Court Reporter for the County of Ramsey, State of Minnesota, 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 State of Minnesota vs. Florian Chmielewski, Sr.

Dale W. Carpenter
Official Court Reporter

DATED: June 4, 1996.

April 24, 1996

Senate
State of Minnesota

Senator Florian Chmielewski
325 Capitol
St. Paul, MN 55155

RE: Ethical Conduct Subcommittee

Dear Senator Chmielewski:

As you well know, District Court Judge Kenneth Fitzpatrick earlier this week accepted your guilty plea to a gross misdemeanor of misconduct by a public official. We believe it would be appropriate for you to now appear before the Senate Subcommittee on Ethical Conduct.

During the 1996 Legislative Session, the Ethical Conduct Subcommittee took no action regarding your conduct and the resulting guilty plea. Given your health, it clearly would have been ill-advised for you to attempt to attend a Subcommittee hearing to provide your input into the Subcommittee's deliberations. And, we feel that it would have been inappropriate for the Subcommittee to proceed without you being able to attend the hearing. However, it now appears that your health would allow you to attend a Subcommittee hearing. You were able to attend the court hearing earlier this week.

Senator Joe Bertram, Senator Kevin Chandler, and Senator Sam Solon all had an opportunity to appear before the Ethical Conduct Subcommittee and address the Subcommittee regarding their conduct. We would think that you would like that same opportunity to be able to explain your conduct.

We would ask that you voluntarily appear before the Ethical Conduct Subcommittee. If you so agree, we would ask Senator Ember Reichgott Junge and Senator Dennis Frederickson to convene a meeting of the Subcommittee for that purpose. We would also ask that you voluntarily comply with any finding or sanction that the Subcommittee, and the Senate Committee on Rules and Administration, would recommend.

We look forward to your response.

Sincerely,

Roger D. Moe

Senator Roger Moe
Senate Majority Leader

Dean E. Johnson

Senator Dean E. Johnson
Senate Minority Leader

STATE OF MINNESOTA COPY DISTRICT COURT

COUNTY OF RAMSEY SECOND JUDICIAL DISTRICT

State of Minnesota, District Court File No. K2-95-3899

Plaintiff,

vs. GUILTY PLEA (GM)

Jeffrey Scott Chmielewski,

Defendant.

GM THEFT - 12/5/95

The above-entitled matter came on for dispositional conference before the Honorable Edward S. Wilson, Judge of District Court, on Monday, April 29, 1996, in Courtroom 1580 of the Ramsey County Courthouse in the City of St. Paul, Minnesota.

A P P E A R A N C E S

CHARLES M. BALCK, ESQ., Assistant Ramsey County Attorney, appeared on behalf of the plaintiff, State of Minnesota; and

MICHAEL J. COLICH, ESQ., appeared on behalf of the defendant, JEFFREY SCOTT CHMIELEWSKI, who was also present.

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Court Reporter: Linda M. Horgan
Law Clerk: Joel A. Franklin

MONDAY, APRIL 29, 1996 COURTROOM 1580, MORNING SESSION

WHEREUPON, the following proceedings were duly had in open court at 9:40 a.m.:

THE CLERK: Page one, line two, the state versus Jeffrey Scott Chmielewski.

MR. COLICH: Good morning, Your Honor. Michael Colich here with Mr. Chmielewski.

MR. BALCK: Good morning, Your Honor. Charles Balck, B-a-l-c-k, assistant Ramsey County attorney, representing the State of Minnesota.

THE COURT: Have you reached an agreement in this case?

MR. BALCK: We have, Your Honor. It's my understanding that the defendant in this matter, Jeffrey Scott Chmielewski, is prepared to enter a plea of guilty to an amended complaint that has been filed with this court alleging the offense of theft in an amount greater than $200 but less than $500, a gross misdemeanor, and that he is also agreeing to pay restitution in this matter to the state in the amount of $1141 and 47 or 48 cents, which would constitute all of the calls attributable to the use of the telephone access code number belonging to his father by this defendant and by a former associate of this defendant, Mr. Loren Dolash [phonetic].

Is that correct, counsel?

MR. COLICH: Yes, Your Honor. We're prepared to enter a plea this morning.

THE COURT: All right. Mr. Chmielewski, would you step forward? You've heard the the plea agreement as outlined by the attorneys?

THE DEFENDANT: Yes.

THE COURT: Is this what you want to do?

THE DEFENDANT: Yes, sir.

THE COURT: Would you face the clerk and be rearraigned?

THE CLERK: Would you please state your full name and spell your last name?

THE DEFENDANT: Jeffrey Scott Chmielewski, C-h-m-i-e-l-e-w-s-k-i.

THE CLERK: What is your date of birth?

THE DEFENDANT: 11-2-58.

THE CLERK: You, Jeffrey Scott Chmielewski, having previously entered a plea of not guilty, do you at this time wish to change your plea to guilty?

THE DEFENDANT: Yes, sir.

THE CLERK: What say you, Jeffrey Scott Chmielewski, to the amended complaint charging you in count one with the offense of theft? Guilty or not guilty?

THE DEFENDANT: Guilty.

THE CLERK: Please raise your right hand.

(Defendant sworn by the clerk.)

THE CLERK: Please have a seat at the witness stand.

THE COURT: Mr. Colich?

MR. COLICH: Your Honor, may the record reflect that Mr. Chmielewski's pleading guilty to a gross misdemeanor theft in violation of Minnesota Statutes 609.52, subdivision 10(4)(i) and subdivision 3(4) as well as 609.05?

THE COURT: It may.

MR. COLICH: Your Honor, may I approach my client for purposes of the petition?

THE COURT: Yes.

MR. COLICH: Thank you.

WHEREUPON,

JEFFREY SCOTT CHMIELEWSKI,

the defendant herein, being first duly sworn, was examined and testified as follows:

BY MR. COLICH:

Q Mr. Chmielewski, I'm showing you what's entitled a Petition to Enter a Plea of Guilty in a Gross Misdemeanor Case. Would you look at that document for one moment and indicate to the court whether or not you've had an opportunity to review that?

A Yes, I have.

Q And have you had an opportunity to not only independently

read this and review it but to go over each and every item, all 27 listed on this petition?

A That is correct.

Q Would you sit up so that the court can hear you?

Have we also had an opportunity to discuss this morning, as well as over the weekend, the negotiation in this matter?

A Yes, sir.

Q You understand that this case has been amended to a gross misdemeanor?

A Yes.

Q You also understand that we have agreed -- you have agreed to pay restitution in the amount of $1,141.78?

A That is correct.

Q You also understand that any sentence in this matter is left to His Honor, Judge Wilson?

A Yes, sir.

Q And that sentence, I assume, will be imposed once the Judge has had an opportunity to hear from probation and they've prepared a presentence investigation; do you understand that?

A Yes, I do.

Q You also understand that you'll be asked to cooperate with probation after this hearing?

A Um-hum.

Q In regards to this petition, is it correct that I discussed with you that as an individual charged with a crime that you have certain rights that are made available to anyone charged with a crime?
A That's true.
Q That by entering a guilty plea that you waive or give up those certain rights?
A That's correct.
Q Among those rights we've discussed is that you have a right to have twelve members of the community sit in judgment; do you understand that?
A Yes, I do.
Q That in order for you to be found guilty of a crime, that they must find you guilty with a unanimous verdict?
A Yes.
Q That you would have the right through your attorney to cross-examine any witnesses who testified for the state; do you understand that?
A Yes, I do.
Q You also understand that we would have a right to present witnesses on your behalf?
A Yes.
Q If you chose to testify, you would have that absolute right; on the other hand, if you chose not to testify, you understand that neither the court nor the prosecutor could

comment on your failure to testify?

A That's true.

Q Is it also correct that you and I have discussed the evidence in this case?

A Yes, it is.

Q Are you pleading guilty this morning because you, in fact, feel you are guilty of a gross misdemeanor theft?

A Yes.

Q Is it also true that, upon discussion with representatives from the Ramsey County attorney way back when this investigation started, you indicated to them that you had, in fact, used those lines inappropriately?

A Yes.

MR. COLICH: No other questions, Your Honor. I'd offer the petition.

THE COURT: You have no objections?

MR. BALCK: No objection, Your Honor.

THE COURT: The petition is received.

MR. BALCK: Your Honor, the state is prepared to ask biographical questions if the court desires. Otherwise, if we could waive those, I'll move right into the facts of the case.

THE COURT: We'll waive the biographical questions at this time.

MR. BALCK: Thank you, Your Honor.

BY MR. BALCK:

Q: Mr. Chmielewski, you are the son of Florian Chmielewski, Sr.; is that correct?

A Yes, it is.

Q And your father is the state senator from senate district number eight; is that correct?

A Yes.

Q And he has, in fact, been the senator from that district since 1970 until the present time, including the period detailed in the amended complaint; is that correct?

A That is correct.

Q And is it true, Mr. Chmielewski, to the best of your knowledge, that a state senator -- as a state senator your father receives certain privileges from the State of Minnesota because of his position?

A That's true.

Q And is it also true that one of those privileges is access to the telephone system used by the State of Minnesota and by the senate of the State of Minnesota? Is that correct?

A Yes, it is.

Q And that access to the state telephone system is paid for by the State of Minnesota; is that correct?

A That's what I've come to understand, yes.

Q All right. The telephone system that I'm referring to uses a barrier code or an access code to make long-distance

calls; do you understand that?

A Yes.

Q Okay. And during the time period that we charged in the complaint did you know how to make long-distance calls using that senate telephone system, including the barrier code or access code?

A Yes.

Q Now, the prosecution in the state, Mr. Chmielewski, would offer testimony that to make such a call using that system, a caller, such as yourself, would make a call from your location into a switching box or a transfer device that was located here in Ramsey County; do you understand that?

A Yes.

Q We would also offer testimony that a barrier code or access code would then have to be used or plugged in to dial into the system and, finally, the number of the call destination would then have to be dialed.

Do you have any information or evidence, Mr. Chmielewski, that you would offer that would contradict the state's evidence as to how this system worked?

A No, not that I'm aware.

Q Also, Mr. Chmielewski, the prosecution would offer testimony that the charges for all these calls made in the above manner would be submitted to the State of Minnesota, Department of Administration, and ultimately to the state

senate, which would pay for those calls.

Do you have any information or evidence that would contradict that testimony or evidence, Mr. Chmielewski?

A No, I don't.

Q Now, having this information in mind, would you tell the court if you placed calls using this telephone system, including the barrier code or access code, during the time period charged in the amended complaint?

A Yes.

Q The code that you -- the code that you used changed during the time period in question at least one time; is that true?

A Yes.

Q And did you, in fact, make use of more than one code durir this time period?

A I believe so, yes.

Q Did you, in fact --

A Yes.

Q -- use more than one code?

A Yes, that's true.

Q And did your father or any member of your family give you permission to use one of those codes?

A No.

Q Did your father or any member of your family give you the codes themselves?

A No.

Q And did any member of the state senate or any official from the State of Minnesota --
A No.
Q -- give you permission to use those codes?
A No.
Q If you made those calls in question without the state system, Mr. Chmielewski, you would have had to pay for those calls; is that correct?
A That's true.
Q But you did, in fact, make those calls using the system and you did not pay for those calls; is that right?
A That's correct.
Q Did you also give that code or access code or barrier code, Mr. Chmielewski, to Loren Dolash [phonetic]?
A Yes.
Q Who is Loren Dolash [phonetic]?
A He is a former partner in The Gambler.
Q And what is The Gambler?
A A former partner in The Gambler.
Q And what is The Gambler, Mr. Chmielewski?
A It's a retail outlet that sells gambling devices.
Q And you were a partner with Mr. Dolash [phonetic]?
A Correct.
Q And did you give Dolash [phonetic] the code so that he too could make long-distance calls without paying for them?

A Correct.
Q The amended complaint charges that between December 5, 1992, and June 30th, 1993, you made calls using that telephone system in an amount in excess of $200 but less than $500.
A That's correct.
Q And by -- excuse me. And by making those calls in those manners -- in that manner, you deprived the service provider of a charge that you normally would have had to have paid; is that correct?
A Yes, and I guess -- well, for that I'm really sorry.
Q And you made those calls using an unauthorized connection to a switching box or transfer box or device located here in Ramsey County; is that right?
A Yes.
Q And that's all without any permission or authorization from your father, members of the family or anyone from the state senate; is that right?
A Correct.

MR. BALCK: Your Honor, that's all the questions I have of this witness.

THE COURT: Mr. Colich, anything further?

MR. COLICH: No questions, Your Honor.

THE COURT: Mr. Chmielewski, I'm going to set sentencing in your case for Tuesday, July 2nd, 1996, at nine o'clock a.m. I want you to report to room 840 of the Ramsey

County courthouse on that date and time for sentencing. In the meantime I want you to cooperate with the Ramsey County community corrections department so that they can do a presentence investigation.

If you'll step down and talk with the clerk before you go.

THE DEFENDANT: All right. Thank you.

MR. COLICH: Thank you, Your Honor.

MR. BALCK: Thank you, Your Honor.

THE CLERK: That's all we can do at this time.

THE COURT: Okay. We'll takes a brief recess at this time.

THE CLERK: Court stands in recess.

(Court in recess at 9:55 a.m.)

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REPORTER'S CERTIFICATE

I, LINDA M. HORGAN, an official court reporter for the Second Judicial District, hereby certify the foregoing thirteen (13) pages to be a true and complete transcription of my original stenographic notes taken herein.

Dated: June 17, 1996

Linda M. Horgan
Official Court Reporter
1570 Ramsey County Courthouse
15 West Kellogg Boulevard
St. Paul, MN 55102
612.266.8298

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MINNESOTA STATUTES 1994

§ 609.52 Theft

* * *

Subd. 2. Acts constituting theft. Whoever does any of the following commits theft and may be sentenced as provided in subdivision 3:

* * *

(14) intentionally deprives another of a lawful charge for telecommunications service by:

(i) making, using, or attempting to make or use an unauthorized connection whether physical, electrical, by wire, microwave, radio, or other means to a component of a local telecommunication system as provided in chapter 237; or

* * *

Subd. 3. Sentence. Whoever commits theft may be sentenced as follows:

* * *

(4) to imprisonment for not more than one year or to payment of a fine of not more than $3,000, or both, if the value of the property or services stolen is more than $200 but not more than $500; or

609.05 Liability for crimes of another.

Subdivision 1. A person is criminally liable for a crime committed by another if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures the other to commit the crime.

Subd. 2. A person liable under subdivision 1 is also liable for any other crime committed in pursuance of the intended crime if reasonably foreseeable by the person as a probable consequence of committing or attempting to commit the crime intended.

Subd. 3. A person who intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit a crime and thereafter abandons that purpose and makes a reasonable effort to prevent the commission of the crime prior to its commission is not liable if the crime is thereafter committed.

Subd. 4. A person liable under this section may be charged with and convicted of the crime although the person who directly committed it has not been convicted, or has been convicted of some other degree of the crime or of some other crime based on the same act, or if the person is a juvenile who has not been found delinquent for the act.

Subd. 5. For purposes of this section, a crime also includes an act committed by a juvenile that would be a crime if committed by an adult.

HIST: 1963 c 753 art 1 s 609.05; 1986 c 444; 1991 c 279 s 22,23

MAY 03 1996

FLORIAN C. CHMIELEWSKI
President Pro tem of the Senate
Room 325, State Capitol
75 Constitution Avenue
St. Paul, MN 55155-1606
(612) 296-4182
Home:
Sturgeon Lake, Minnesota 55783
(218) 372-3616

Senate

State of Minnesota

May 2, 1996

Senator Roger D. Moe
75 Constitution Avenue
St. Paul, MN 55155-1606

Dear Senator Moe:

On April 22, 1996 the district court in St. Paul accepted my plea to a violation of Minnesota Statutes Chapter 609.43, for "misconduct of a public official by failing to supervise and direct the use of the 1-800 telephone number, the access and barrier code provided to me by the Minnesota Senate."

I will promptly repay the $3,841.29 the court has determined is owed to the taxpayers of this state for telephone charges covering the period from 1992 through June 30, 1994. But this is not only a matter of money, it is a matter of honor and public trust. Therefore, I want to apologize to you, and my fellow members of the Minnesota State Senate, for all that I have done, or failed to do, which has caused the integrity of the institution, or you as a member, to be compromised or embarrassed in any way.

A philosopher once wrote - life can only be understood looking back, but it must be lived looking forward.

As I look back today, I'm truly sorry for all that has occurred and again I apologize to you, to all of my Senate colleagues, my constituents, and the people of Minnesota, and I hope that I will be able to move on in such a way that it reflects the best traditions of our state and of the Minnesota State Senate.

Sincerely,

Florian

Senator Florian Chmielewski

FC:tm

Senate Counsel & Research

G-17 State Capitol
St. Paul, MN 55155
612 296-4791
FAX 612 296-7747

Jo Anne Zoff Sellner
Director

Senate

State of Minnesota

May 7, 1996

Thomas J. Ryan
Attorney at Law
25 N.E. Eighth Avenue
Pine City, MN 55063

Subj: *State v. Chmielewski*, No. K7-95-3901

Dear Mr. Ryan:

Enclosed as we discussed is a copy of my draft findings of fact, revised following our discussion in January. It has not yet been revised to incorporate Senator Chmielewski's sentencing, or the guilty plea of his son, Jeff. I assume you still object to the findings that Senator Chmielewski gave the access code to Jeff and attempted to obstruct the Ramsey County Attorney's investigation. I am willing to listen to your arguments on those points, and any others you may wish to raise after reviewing the 2-2-96 draft.

I have ordered from Judge Fitzpatrick's court reporter, Dale Carpenter, a transcript of the sentencing proceeding April 22. He expects to complete it within the next week or two. I would hope the Subcommittee would be able to meet within a week or two after that.

I look forward to receiving your fact brief, as we discussed, and will refer to it as appropriate when updating the 2-2-96 draft findings of fact.

Sincerely,

Peter S. Wattson
Senate Counsel

PSW:ph
Enclosure

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
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Phone: (612) 296-2577

Senate

State of Minnesota

May 30, 1996

Senator Florian Chmielewski
325 Capitol
St. Paul, MN 55155

Subj: Ethical Conduct Hearings

Dear Florian:

I am disappointed that you have not yet responded to the April 24 letter that Senator Dean Johnson and I sent asking you to voluntarily agree to appear before the Subcommittee on Ethical Conduct to complete action on the proceedings that were postponed because of your hospitalization.

Filings for the 1996 election will be opening in July. I think it is important that we bring closure to those proceedings before then.

To that end, I ask you to identify several dates between now and June 22 when you can be present to give testimony. If we cannot agree on dates by Wednesday of next week, I'll have to ask the Subcommittee to proceed with its hearings in your absence.

Sincerely,

Roger D. Moe
Senate Majority Leader

Senate Counsel & Research

G-17 State Capitol
St Paul, MN 55155
(612) 296-4791
FAX (612) 296-7747

Jo Anne Zoff Sellner
Director

Senate

State of Minnesota

June 12, 1996

Thomas J. Ryan
Attorney at Law
25 N.E. Eighth Avenue
Pine City, MN 55063

Sent via fax: 612/629-3016

Subj: Senator Florian Chmielewski

Dear Mr. Ryan:

As I told you over the phone, the Subcommittee on Ethical Conduct is proceeding to schedule meetings on the complaint against Senator Chmielewski.

The goal of the Subcommittee is to have its final meeting June 27, with one or two meetings before then. The purpose of the first meeting would be to review the written record and ask Senator Chmielewski questions about it. If the Subcommittee determined that it was necessary to call additional witnesses, that would occur at a second meeting. The final meeting would be for the Subcommittee to discuss appropriate disciplinary action.

The Subcommittee is willing to accommodate Senator Chmielewski's schedule, and very much wants him to be present, but he has not yet identified any dates on which he would be willing to appear and give testimony.

To move the process forward, the Subcommittee has tentatively set the schedule as follows:

First meeting:	June 19	Wednesday	1:00 p.m.
Final meeting:	June 27	Thursday	10:00 a.m.

If you have alternative days or times that Senator Chmielewski will commit to attending, I must receive that commitment in writing before 3:00 p.m. this Friday, June 14, when the notices will be sent out. Failure of the Senator to commit by then to attending these meetings will be taken to mean that he is refusing to cooperate with the Subcommittee.

Sincerely,

Peter S. Wattson
Senate Counsel

PSW:ph

cc: Senator Ember Reichgott Junge
Senator Dennis R. Frederickson
Senator Steven G. Novak
Senator Roy W. Terwilliger

THOMAS J. RYAN
ATTORNEY AT LAW
25 N.E. EIGHTH AVENUE
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(320) 629-2053
1-800-529-2053

June 12, 1996

Mr. Peter Wattson
Minnesota Senate Counsel
State Capitol Building
St. Paul, MN 55155

Dear Mr. Wattson:

I am writing to you as the lead attorney in the Minnesota State Senate legal staff. Also, you seem to be the only one who pursues avenues of propriety and decorum sans political motivation. Further, you and your associates in the Senate Counsel Office are the only ones connected to the senate who are authorized and legally functioning on an interim basis between the 1996 session adjournment sine die and the prospective 1997 session.

The 1996 session and legislative function per se are now out of existence and have been since the session adjourned sine die.

The 1996 session which created the Senate Ethics Committee and selected its members for activity during the 1996 session no longer exists. It, therefore, has no legal status. Sans existence, it's abortive and political attempt to meet and hold hearings would be an exercise of an illegal function by a non-existent committee of individuals having no status as a state function.

On June 6, 1996, I received your third draft of the proposed Findings of Fact with respect to senator Florian Chmielewski. Again I was disappointed as this one, although more accurate than the two previous drafts, is still far afield.

Between your first draft and your second draft, I supplied to you the Findings of Fact I filed with the Court Administrator's Office for Ramsey County prior to the sentencing date. Anyone can avail themselves with the actual facts as this is a matter of public record in the Ramsey County Court case. This covers all aspects of the Florian Chmielewski case.

Unfortunately, the "synopsis" drafted by the Ramsey County Attorney's Office became the probable cause complaint in more than one case; so intrinsically built into the "synopsis" are many facets that are applicable to others, and not at all germane to Senator Chmielewski. However, you have incorporated these non-germane issues in your Findings relative to Florian Chmielewski.

May I suggest that if you want to be accurate, and I believe you do, that you study my Findings filed with the Court Administrator and the Ramsey County Attorney's Office. No refutation of said fact brief has been received by the Senator nor by me.

It is interesting that informal requests for the appearance of Senator Chmielewski came first on an oral basis from the former chairperson of a subcommittee of the former Ethics Committee. It is also interesting and peculiarly significant that a more formal request, and in writing, came from Senator Dean Johnson and Senator Roger Moe, both of whom are themselves on the list of members who admitted violating the phone access code by paying back to the state for their misuse.

Even more peculiar is the fact that the latest written request came solely from Senator Roger Moe, and not even joined by Senator Dean Johnson. Since the Republican Convention refused endorsement of Wayne Gilbey, Senator Florian Chmielewski's perennial opponent, it does appear that the Republicans are not targeting District 8 as a potential to increase their numbers in the 1997 session.

So we come to face up to what it is that motivates Senators Moe and Reichgott-Junge in their efforts to conduct an illegal witch hunt on one of their fellow Democratic senators. It seems patently obvious that they do not like some stands that Senator Chmielewski has taken on issues. It is well known that the D.F.L. senate hierarchy is active in attempting to cause someone else to run, and this will work better for them if they can embarrass Senator Chmielewski with a media-feeding frenzy, especially if it can be done before June 22, 1996, the day set for the Senate District Convention.

You will recall that after you made your first Findings of Fact of the events stemming from the activity as to phone use, that Senator Chmielewski and I met with you and pointed out the glaring and patently conceived errors and misstatements emanating from news sources or rumors. You agreed to rewrite it following a more factual vein.

Months ensued until your call to me relative to arranging an appearance before the subcommittee. However, this was after the session had adjourned sine die. I then requested that you comply with your intent of rewriting the Findings of Fact and that I would appreciate receiving the revision as promised.

A short time later I received the copy. I was overwhelmed with disappointed as you changed little. However, it is significant that you did change the conclusion you had made earlier about a letter that was written which would have been illegal, and admitted the letter was a fraud and the signature was not Senator

Chmielewski's but a forgery. This is one of many elements in the Ramsey County Attorney's complaint that erroneously involves Florian Chmielewski.

In a news article reporting Senator Solon's and Senator Chmielewski's court pleas of December 6, 1995, Professor Roger Fischer is quoted. Professor Fischer is referred to as a history professor at the University of Minnesota-Duluth who follows area politics.

In comparing Senator Solon's reelection possibilities and those of Senator Chmielewski's in light of so-called "phone-gate", the professor indicated the political landscape is a bit different around Sturgeon Lake, where Chmielewski has held his seat since 1970, and remains popular. "I think there are very few crimes so heinous that Florian could be linked with that his constituents would give him anything less than a three-to-one majority," Fischer said.

"In each of his last three elections, Chmielewski has picked up more than 70 percent of the votes. "I don't think this will be enough to disrupt his career," Fischer said.

The foregoing was at the time, and remains since, the sense of the thinking constituents in Florian's district. The exceptions are mostly D.F.L.'ers who have their own agenda to promote, or those who disagree with one or more of the legislative agenda which this senate leader has advocated.

It is my belief and analysis that D.F.L. senate leadership would like to intimidate Florian to the extent he would not run for reelection so they can put in his place someone who will blindly follow their agenda which Florian has not always done.

It is not difficult to follow the program of Senator Roger Moe who is trying to take the onus off of himself and others in the D.F.L.-led senate. He apparently feels it incumbent upon himself that he make an example of Florian and then he can say, "See we cleaned house," so now elect me and keep me as senate leader.

Also for the record, I wish to point out the following. I advised Senator Chmielewski that in order to rid himself and three other members of his family from further militancy by the Ramsey County Attorney's Office, and to protect the three innocent members of his family and himself, he should enter a plea to Minnesota Statute 609.43, "Misconduct of a Public Official." Actually, this is less onerous than what all the others either plead to or admitted by their pay-back to the state, namely, "Telecommunications Fraud."

Florian has paid restitution as the other 151 people did. Also, he performed the other conditions levied by Judge Fitzpatrick, namely, he is well on his way to complying with the requirement of performing community service, a great deal of which is entertaining the elderly in numerous nursing homes.

It probably would be at least a misdemeanor for the state senators to spend state money on the suggested non-legal, non-existent, non-functioning committee meeting being proposed by Senators Moe, Dean Johnson and Reichgott-Junge.

As an officer of the court, I cannot advise Senator Chmielewski to participate in a questionable function that would be significantly more violative of the law than the charges against him.

I have talked to some of those connected to the state senate who themselves paid restitution to the state, but were not charged with a violation. They have informed me that everyone thought that the senate phone convenience code was in the nature of a "watts line." Also, because of data privacy, there was no way that a legitimate holder could check to ascertain if someone was using for non-senate business.

As you know from the records that we have discussed several times, Florian Chmielewski made no untoward calls of any kind, at any time, from or to any place. This is verified in the court record by the prosecuting attorney.

It is my advice to Senator Chmielewski that he refrain from participating in an illegal function. Also, I do not wish to have him participate in a non-session function which appears to me would be an illegal expenditure of state monies or more realistically, taxpayers' monies.

We, therefore, respectfully decline.

Yours very truly,

Thomas J. Ryan

Thomas J. Ryan
Attorney for Senator Florian Chmielewski

TJR/rp

cc: Former Chief Justice Robert Sheran

Former Chief Justice Douglas K. Amdahl

Pat Chmielewski
C-542-676-421-202
Route 1, Box 388
Sturgeon Lake, Mn 55788

1383

June 96 75-1205/919

Pay to the order of Secretary of Senate $ 3,543 91

Three Thousand Five Hundred Forty three 91/100

STURGEON LAKE STATE BANK
STURGEON LAKE, MINNESOTA

202 Memo Final payment as per -

Pat Chmielewski

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Jo Anne Zoff Sellner
Director

Senate

State of Minnesota

June 18, 1996

Thomas J. Ryan
Attorney at Law
25 N.E. Eighth Avenue
Pine City, MN 55063

Sent via fax: 612/629-3016

Subj: Senator Florian Chmielewski

Dear Mr. Ryan:

I was disappointed to learn that you have advised Senator Chmielewski not to participate in the proceedings of the Subcommittee on Ethical Conduct on the complaint against him.

As you will recall, it was you who requested that the Subcommittee not meet to hear the complaint against Senator Chmielewski on January 9, 1996, both because Mrs. Chmielewski was ill and because Senator Chmielewski had not yet been sentenced on his guilty plea to a gross misdemeanor. The Subcommittee granted your request, assuming that your request for a continuance meant that you would willingly appear later. You then moved the court to delay sentencing on the gross misdemeanor until after the Senate had adjourned. The court likewise granted your request.

The Senate adjourned April 3, Senator Chmielewski was sentenced on April 22, and on April 24, Senators Roger Moe and Dean Johnson requested that Senator Chmielewski appear before the Subcommittee to explain his conduct. Now, you argue that the Subcommittee has "no legal status," since the Senate has adjourned.

I call to your attention Minn. Stat. § 3.921, **Standing Committees as Interim Study Committees**, enacted as Laws 1963, ch. 887, § 1. It provides in part that:

> Each standing committee or subcommittee of the senate and house of representatives is continued during the intervals between sessions of the legislature to make studies and investigations within its general jurisdiction, as directed by the committee on rules and administration of the senate and the committee on rules and legislative administration of the house of representatives, or by resolution or law.

Senate Rule 75 creates the Subcommittee on Ethical Conduct as a standing subcommittee of the Committee on Rules and Administration. The rule requires that "The subcommittee shall investigate a complaint by a member of the Senate in writing under oath received during a legislative session regarding improper conduct by a member or employee of the Senate." The written complaint against Senator Chmielewski was signed under oath by Senators Dean Johnson and Thomas Neuville on December 20, 1995, during the seventy-ninth session of the legislature.

Disciplinary proceedings against Senator Chmielewski were also requested by Senator Roger Moe, Chair of the Committee on Rules and Administration, in a letter dated December 12, 1995. Senator Moe repeated his request for subcommittee action in his letter of April 24, joined by Senator Dean Johnson. Most recently, upon learning that you had advised Senator Chmielewski not to appear, the Chair of the Committee on Rules and Administration has asked the Subcommittee to proceed with its hearings even if Senator Chmielewski chooses not to appear. I believe this is sufficient authority under Minn. Stat. § 3.921 and the rules of the Senate for the Subcommittee to proceed with the hearings it has scheduled.

You have provided the Subcommittee with the voluminous materials you provided to the court before Senator Chmielewski was sentenced. On behalf of the Subcommittee, I again invite you and Senator Chmielewski to appear at the Subcommittee hearing June 19 at 1:00 p.m. in Room 15 of the Capitol to explain those materials and respond to any questions the members of the Subcommittee may have about the conduct that led Senator Chmielewski to plead guilty to a gross misdemeanor.

Sincerely,

Peter S. Wattson
Senate Counsel

PSW

cc: Senator Ember Reichgott Junge
Senator Dennis R. Frederickson
Senator Steven G. Novak
Senator Roy W. Terwilliger
Senator Roger D. Moe
Senator Dean Elton Johnson
Senator Thomas M. Neuville

3.921 Standing committees as interim study committees.

Subdivision 1. Interim studies. Each standing committee or subcommittee of the senate and house of representatives is continued during the intervals between sessions of the legislature to make studies and investigations within its general jurisdiction, as directed by the committee on rules and administration of the senate and the committee on rules and legislative administration of the house of representatives, or by resolution or law.

Subd. 2. Vacancies. Vacancies in a committee or subcommittee during the intervals shall be filled by the last elected speaker of the house of representatives for house committees and by the last elected senate committee on committees for senate committees.

Subd. 3. Expenses. A standing committee of the senate that requires money to defray expenses of its operations during the interim shall prepare and submit a budget to the senate committee on rules and administration for its approval. The money must not be spent by the standing committee without prior approval of the senate committee on rules and administration. A standing committee of the house of representatives that requires money to defray expenses of its operations during the interim shall prepare and submit a budget to the rules and legislative administration committee of the house of representatives for its approval. The money must not be spent by the standing committee without prior approval of the rules and legislative administration committee of the house of representatives.

Subd. 4. Certification to finance commissioners. The expenses of a committee shall be paid upon the certification to the commissioner of finance of their amount. Payment of the expenses is directed from any direct appropriation for them to the legislature or either branch of it.

HIST: 1963 c 887 s 1; 1973 c 492 s 14; 1973 c 720 s 69; 1988 c 469 art 1 s 1 .

MINNESOTA SENATE

SUBCOMMITTEE ON ETHICAL CONDUCT

CONDUCT OF SENATOR FLORIAN CHMIELEWSKI

SUBCOMMITTEE DELIBERATIONS
JUNE 19, 1996

Transcribed June 26, 1996

Proceedings held on the 19th day of June, 1996, before the Minnesota Senate Subcommittee on Ethical Conduct, Room 15, State Capitol.

Members of the Committee include:

Senator Ember Reichgott Junge, Chair

Senator Dennis R. Frederickson

Senator Steven G. Novak

Senator Roy W. Terwilliger

Peter S. Wattson, Senate Counsel

Chief Justice Robert J. Sheran, Outside Counsel

Opening statements by Senator Ember Reichgott Junge:

The meeting of the Subcommittee on Ethical Conduct will come to order. For members of the public, we will do a series of introductions so that everyone is identified for the record. First of all, keeping the record today is court reporter Chris Grover, where is she, okay, all right. So there will be, in fact, a court record or court reporter record of our proceedings today, our discussions, as have occurred in all of our other proceedings to date. Our counsel, Peter Wattson, will advise us as we move forward. The secretary of the subcommittee is Marcia Seelhoff. We are again very pleased to have former Chief Justice Sheran, who has been advising us throughout on our proceedings and has been involved with us on preliminary conversations regarding the process here, and then of course, the members of the subcommittee — Senator Steve Novak, who is a Democrat from New Brighton; Senator Dennis Frederickson, who is the ranking member, cochair of this committee, and a Republican from New Ulm; and then of course Senator Roy Terwilliger who resides in Edina, I believe, and is also Republican. We are a committee that consists of four members only, two Democrats and two Republicans. Our process, as in the past, has been to try to move forward with consensus. We have been able to achieve that at all times, and I hope we can continue in that vein. We also are committed to keeping our proceedings public and we also are hopeful that we can resolve this proceeding as soon as possible.

I would like to state for the record a couple of comments about this particular situation regarding the complaint against Senator Florian Chmielewski. It is a unique situation. We are here today to get closure on a complaint that was filed during the 1996 Legislative Session. That complaint, in f act, was filed on the first day. That is an unresolved matter of the 1996 Session. I believe it is our duty as a committee to resolve the unfinished business of the committee and also to allow Senator Chmielewski the opportunity to respond to the complaint that has been filed against him. Our proceeding today is only in that context. It is only in the context of resolving the complaint that was filed against Senator Chmielewski. Our proceedings today should not be taken out of any other context or should not be construed to create precedent of any other kind. Specifically, I believe that we are committed as a subcommittee to the current practice and the current rules that say that we do not entertain new complaint during the — or after the

adjournment sine die of a legislative session. That has been a long standing practice of this committee because it avoids what would otherwise be political mischief during the campaign season. So our meeting today, after sine die, does not in any way, is not intended to change that precedent that we generally do not entertain new business after sine die. What we are doing today is resolving a complaint that was filed, was indeed delayed out of I would suggest compassion by the committee and now is before us at this time. So let me summarize some of the steps as to how we got here and then what our options are today. I would then ask Senator Frederickson if he has any comments he wants to add after this, and then also then Mr. Wattson will be presenting most of the information today.

The complaint was filed by Senators Dean Johnson and Senator Tom Neuville on the first day of session after Senator Chmielewski pled guilty to a gross misdemeanor in December. This hearing, this hearing in fact, this fact-finding hearing or informational hearing was scheduled at the same time as the other ethics proceedings were held in early January. At that time, Senator Chmielewski requested a delay due to the ill health of his wife, and that was granted. Shortly thereafter, his criminal sentencing date was delayed due to the illness of the judge, and we decided, again, it was appropriate to wait a few more weeks until the sentencing. A few days before the sentencing Senator Chmielewski's attorney filed a motion with the court to delay the sentencing until after session. Senator Frederickson and I conferred at that time and we had made the decision, and I believe had made it public, that should the judge grant that motion to delay the sentencing until after session due to the legislative immunity issue, that we indeed were going to proceed with the Ethics Subcommittee in the interim. The next day Senator Chmielewski suffered a heart attack and subsequently had bypass surgery. He filed a request to be excused from the session for the rest of the year and therefore we did not pursue these hearings at that time. After the session adjourned sine die, about the end of April I believe, Senators Roger Moe and Dean Johnson sent Senator Chmielewski a letter strongly requesting him to voluntarily appear before the Ethics Committee. The request was made to appear voluntarily because all of the other members had done so, either in person or by letter, and because if he appeared voluntarily there would be no question at all about the proceedings that

would be held and the actions taken. Although Senator Chmielewski's attorney and Mr. Wattson engaged in negotiations of findings, Senator Chmielewski gave no indications to anyone of his willingness or a date that he would appear voluntarily. Last Friday, we all received a letter from his attorney indicating that Senator Chmielewski would not appear voluntarily and he instead began to question the motives of individual members of the committee. Over the weekend, upon receiving that letter from the attorney, I personally conferred with Senator Dean Johnson and also with staff of Senator Moe's office to alert them with the change in status of Senator Chmielewski, that he indeed was not going to appear. I asked if we as a subcommittee should continue to proceed, since they were the leaders of the Rules Committee, and they indicated that we should. During this time, on two occasions, one in person and one by telephone call, Senator Frederickson, the ranking member, Justice Sheran, Peter Wattson, and I met or conferred on two occasions to determine how to proceed. All of our decisions about this case, including the decision to go forward with the hearing today, was made as a result of a consensus of the four of us. We discussed all of the different options and we decided to go ahead today with this hearing in the context of an informational hearing. The purpose of the hearing was to review the charges against Senator Chmielewski, the court's records, and discuss them. Senator Chmielewski and his attorney were again invited to appear today, but I'm informed by counsel that they have declined.

One of the reasons that I personally felt, and I am not now speaking for our foursome, but one of the reasons I personally felt that it was important to proceed with this complaint and get closure on it was to get closure on the issue for the 1996 Legislative Session and to prevent further proceedings or questions about this matter in the 1997 Legislative Session, should Senator Chmielewski be reelected. I think that Senator Frederickson and I have talked publicly and do agree that once the people decide to reelect or elect someone after they have full knowledge of particular proceedings or criminal complaints, or whatever, that this subcommittee should not then reinvestigate complaints that had been previously filed. And so in this case, if in fact the public had full knowledge of the proceedings and the record, they choose to reelect Senator Chmielewski then I think its a clear question, a clear call that we would not entertain

proceedings on any further complaints in the 1997 Legislative Session. The only issue, in my view, is that — is whether or not the public has a full record in making that decision, in making an informed decision. I believe that by having the hearing today, reviewing the record, and I had hoped hearing from Senator Chmielewski, that we could have that full record and that we will have that record for the public and that will eliminate the question of whether or not we have to somehow consider another complaint in the 1997 Session.

So, once we have this informational hearing today, I want to point out what I think are three options that the committee has. The first is to take this matter under advisement, I have run these by Senator Frederickson by the way, is to take the matter under advisement on the written record alone and return in a few days with recommendations to the Rules Committee; that's one option. Those recommendation may or may not be acted upon, but the committee would have completed its work and the recommendations would be part of the public record. The second option would be, if the committee chose to do so by a, I would hope a consensus vote, I would hope that all of our votes would be that way, the second option would be to move to a contested case proceeding and at that time consider whether or not to issue subpoenas of Senator Chmielewski or his family members as we would deem appropriate. Given Senator Chmielewski's current position in this matter, I believe that is likely or could result in a court challenge whether merited or not. The third option is that we can complete the public record today and decline to make any recommendations except perhaps those that might be acted upon by the Rules Committee. So my suggested procedure for the committee is to have Mr. Wattson lay out the proceedings today, review with us any court documents supporting the criminal conviction against Senator Chmielewski. After that, I would ask the committee to think about the options I've laid out and any other ones that you think are appropriate and discuss them. We'll talk about them, we can then decide as a group how to proceed, if we should proceed, and under what basis. So at this time I would like to yield then to Senator Frederickson for any additional comments and then I would ask Mr. Wattson if there are any inaccuracies or anything of what I said to make sure that the record is clear. Senator Frederickson.

SENATOR FREDERICKSON: Madame Chair, I would just add a couple comments and

I think they're points that you already touched on but I would like to address them also. First, it is unusual that we are meeting after we have adjourned sine die. But in this case, we do have a complaint that was filed before the last session, I believe, certainly during the session we tried to have hearings and address the issues that were in the complaint and largely because, well only because Senator Chmielewski was unavailable for various legitimate reasons, we were not able to complete the work of the subcommittee. So, I think it is appropriate that we try and address the issues that were in the complaint and bring closure to this complaint. I would also like to reiterate that you and I have conferred with Senator Moe and Senator Johnson, the leaders of our respective caucuses, and it is with their concurrence and support that we are proceeding.

SENATOR REICHGOTT JUNGE: Thank you Senator Frederickson. Mr. Wattson, just on the statement, is there anything there that should be clarified or —

PETER WATTSON: Madame Chair, on the timing of the complaint. This matter is a little more complex than it might otherwise be because there were two different ways that the matter came before the subcommittee. The first was by a request of Senator Moe that the subcommittee should take a look at Senator Chmielewski's guilty plea and decide what might be appropriate disciplinary action in the circumstances. That request to the subcommittee was by a letter dated December 12. The second way that the matter came before the subcommittee was by a complaint filed by Senators Dean Johnson and Thomas Neuville. That complaint was filed on December 20th to the subcommittee, and the subcommittee then scheduled a hearing on the complaint originally January 3rd, and then postponed to January 9th, and as you said it never did occur until now.

SENATOR REICHGOTT JUNGE: Okay, thank you. Let me just ask if any questions or additional comments from either members or Justice Sheran.

CHIEF JUSTICE SHERAN: Not from me.

SENATOR REICHGOTT JUNGE: Okay, all right, so if you're ready then, we'll proceed then to the presentation. Mr. Wattson, we had asked you if you would go through the facts or the court records regarding the criminal conviction, present them to us — it's fairly lengthy, members have received a copy. I think it is also available for the public and I would just suggest

that as you go through that if members have comments or questions along the way we should stop as we go through because it is, otherwise, very, very lengthy. Senator Novak.

SENATOR NOVAK: Madame Chair, before counsel proceeds. Just a quick question for counsel. Of the information that we're going to discuss this morning or this afternoon, is all of this information already public or is part of it public and part of it not been made public or has none of it been made public?

PETER WATTSON: Madame Chair, Senator Novak, some of it has been made public before and other information is just being made public today.

SENATOR NOVAK: As we move through the proceeding sort of by categories of content, can you make us aware of what has been previously been public and what is becoming public for the first time?

PETER WATTSON: Madame Chair, Senator Novak, most of the materials come out of the court proceedings against Senator Chmielewski, his guilty plea from December 5th, the transcript of that guilty plea, the probable cause statement and complaint that the guilty plea was based on, the guilty plea of his son Jeffrey Chmielewski, which occurred on April 29. Now that guilty plea of Jeffrey Chmielewski was made in open court, but a transcript of it was not prepared until recently at the subcommittee's request. I just received that this morning about 11 o'clock and made copies in time for the meeting. So that's information that is public information in that it occurred in open court, but a transcript of it has not been available before. The letters, correspondence between Senator Chmielewski's attorney and me, I believe, has not been made public before today. Some of it included a fax that I just sent last night. So, some of it's fairly new, none of it is, I think, is particularly shocking or different from what people may have heard from the public information that has been made available for the last several months.

SENATOR NOVAK: And again, just as we begin this proceeding —

SENATOR REICHGOTT JUNGE: Senator Novak.

SENATOR NOVAK: Just describe briefly what it is Senator Chmielewski pled guilty to and what level of crime that is.

SENATOR REICHGOTT JUNGE: Mr. Wattson.

PETER WATTSON: Senator Chmielewski pled guilty to the — a violation of section 609.43, misconduct of a public officer, which is a gross misdemeanor. He did that on December 5th, 1995, before Judge Kenneth Fitzpatrick in Ramsey County District Court. At that time, he was scheduled to be sentenced on January 18th. That sentencing was later postponed to February 1st because of the ill health of the Judge, and that was postponed April 22nd because of a motion by Senator Chmielewski pointing out that the law provides that a member of the Legislature need not be compelled to appear in court during a session of the Legislature. So the Judge granted his motion for a continuance and then set the matter on for hearing after the Legislature had adjourned on April 3rd.

SENATOR NOVAK: And this, Madame Chair —

SENATOR REICHGOTT JUNGE: Senator Novak.

SENATOR NOVAK: — And since the Legislature has adjourned between that point in time and now, has that sentencing occurred?

PETER WATTSON: Madame Chair.

SENATOR REICHGOTT JUNGE: Mr. Wattson.

PETER WATTSON: Senator Novak, the sentencing did occur on April 22nd.

SENATOR NOVAK: What was that?

PETER WATTSON: The sentence was actually stayed for two years and Senator Chmielewski was placed on probation during that time. As conditions of his probation he was required to make restitution of — to the Senate of the amounts that the various members of his family and their friends had illegally charged to the Senate. That was a sum of $3,841.29. In addition to the restitution, he was required to perform 100 hours of community service. That community service, as I understand it, has consisted of playing his accordion for the residents of various nursing homes in his district.

SENATOR NOVAK: It's probably been greatly appreciated. Do you know whether or not the financial end of the sentencing has been complied with?

PETER WATTSON: Madame Chair, Senator Novak, yes, it has. Senator Chmielewski on Friday delivered to the Senate Fiscal Services Office a check for — let's see — let me back

up. Senator Chmielewski first submitted to the Senate on April 18 a check in the amount of $297.38 as restitution. That was the amount that he had concluded were calls that were not related to legislative business.

SENATOR NOVAK: Made by him or his son?

PETER WATTSON: Made by his various children and their friends and by his wife's sister. That was April 18th. He was sentenced then on April 22nd and as a part of that hearing, there was a discussion of the amount of restitution and the Judge decided that the $297 was not sufficient to cover his liability and instead agreed with the probation officer who had calculated the $3,841.29. So it was the larger amount that he was required to pay. The difference is $3,543.91, and a check for that amount was received by Senate Fiscal Services this past Friday, June 14th. It was a check actually from Mrs. Chmielewski, Pat Chmielewski, payable to the Secretary of the Senate as final payment of the amounts owed in restitution.

SENATOR NOVAK: Madame Chair, my last question.

SENATOR REICHGOTT JUNGE: Senator Novak.

SENATOR NOVAK: On the community service end of the decision, is he methodically working his way through that, do you know what percentage of that total has been complied with?

PETER WATTSON: Madame Chair, Senator Novak, I don't know how much has been complied with.

SENATOR REICHGOTT JUNGE: Mr. Wattson, I have a question regarding the finances. When the court required him to repay the dollars, did they cut off the time that they considered for reimbursement to just the time that was within the statute of limitations or were they also looking at phone calls made prior to the criminal statute of limitations?

PETER WATTSON: Madame Chair, they looked at the calls made back to 1991, and were not limited to the calls within the statute of limitations.

SENATOR REICHGOTT JUNGE: Okay, so they actually imposed a penalty beyond what the statute would have allowed.

PETER WATTSON: Madame Chair, the penalty would be a criminal penalty; a criminal

fine, and the restitution is something different from paying the fine. The fine would go to the state. Somebody else's treasury. The $3,800 in restitution comes back to the Senate to be added to the Senate's budget.

SENATOR REICHGOTT JUNGE: Well, one thought I had counsel was whether or not there are calls that are still unaccounted for or unpaid for or that haven't been reimbursed and whether that was something we should be looking at that we could be evaluating that's outside whatever was in the court record.

PETER WATTSON: Madame Chair, there is an additional thousand dollars or so worth of calls that were made by Jeffrey Chmielewski and his business associate Loran Dolash. As part of the sentencing on April 22nd, Judge Fitzpatrick ordered Senator Chmielewski to pay an additional $1,031.81, if Jeffery Chmielewski did not make restitution of that amount. Jeffrey Chmielewski pled guilty to a gross misdemeanor of theft of telecommunication services. That occurred on April 29th. As part of that plea agreement, he agreed to make restitution of an amount that is similar but not the same. The amount he agreed to make restitution for was $1,141.78.

SENATOR REICHGOTT JUNGE: Okay, thank you. Are there other questions then at this time? If not, then Mr. Wattson why don't you proceed with your presentation. Would it be better for you to go up front? Mr. Wattson, you will be appearing as a witness in this proceeding so we would ask that you take the oath. Mr. Wattson, do you solemnly swear that the evidence you give relative to the cause now under consideration be the whole truth and nothing but the truth so help you God?

PETER WATTSON: I do.

SENATOR REICHGOTT JUNGE: Thank you. You may be seated. Please identify yourself for the record.

PETER WATTSON: Madame Chair, I am Peter Wattson, Senate Counsel for the Minnesota Senate and counsel to the Subcommittee on Ethical Conduct.

I have prepared for the members of the subcommittee the three-ring binders that you have before you and the first thing I would like to do is explain in a general way the materials that are

in the binder. The same materials are available in loose format at the end of the table. There are four different sets of documents. The first one, which should be at the beginning of your binder, begins with a copy of Rule 75 of the permanent rules of the Minnesota Senate. That is the rule that creates the Subcommittee on Ethical Conduct and requires it to investigate a complaint by a member of the Senate in writing, under oath, received during a legislative session regarding improper conduct by a member or employee of the Senate. Also in that packet is a copy of the subcommittee's own rules of procedure as they were amended on January 3rd, 1996, a copy of the statute, section 3.153, giving committees the authority to issue subpoenas to people that they wish to have come and testify, a copy of section 3.921, standing committees as interim study committees, authorizing every standing committee or subcommittee to continue its action during the intervals between sessions of the Legislature to make studies and investigations within its general jurisdiction as directed by the Committee on Rules and Administration or by resolution or law. The next document is a copy of the closing resolution adopted March 26, 1996, whereby the Senate authorized the standing committees and subcommittees to study and investigate all subjects that come within their usual jurisdiction as provided by Minnesota Statutes, section 3.921. You'll find that language in the first paragraph at the top of Page 7712 of the Senate Journal. It's the first full sentence at the top of that page. The final item in that packet is a copy of the budget of the Committee on Rules and Administration adopted for this interim's activities at a meeting of the Rules Committee on April 24, 1996, showing that the committee has $48,500 to operate this interim and has budgeted for at least four meetings of the full committee and that would include the cost of any subcommittee meetings that might occur; $16,000 for that purpose.

The next large packet is dated January 3, 1996, and it includes the materials that I had gathered for the subcommittee's use at its January hearing. I won't go in detail through those documents right now, but will skip forward to the next large packet which is dated today. That includes the materials that I have gathered since the January 3rd date, and ending with the letter that I had sent to Mr. Ryan yesterday, again, requesting that he and Senator Chmielewski appear. The final document that you have is a Chmielewski family tree. It's hand done, by me, in order to make the people involved in the complaint, their relationship to each other, a little easier to

understand. I'm gonna get now into the materials that are behind the cover page of January 3rd.

The first letter that you see is the one I referred to from Senator Moe to the chair of this subcommittee requesting that the subcommittee determine what disciplinary action, if any, is appropriate for the Senate to take against Senator Chmielewski considering his guilty plea and the punishment imposed by the court and the action he has already taken to resign his leadership positions. The second document is the complaint filed by Senator Johnson and Senator Neuville in which they allege that Senator Chmielewski has breached his ethical duty to the Minnesota State Senate and the people of Minnesota by misusing his public office and misusing public property, thereby violating an administrative policy of the Senate, violating accepted norms of Senate behavior, betraying the public trust, and bringing the Senate into dishonor or disrepute. And you will note that the date on that is December 20th. The next document is the complaint in Ramsey County District Court charging Senator Chmielewski with the gross misdemeanor violation of misconduct of a public officer. The detail — the factual statement to support the charges against Senator Chmielewski begins a couple of pages after that and it's really an investigator's report that was prepared by the Ramsey County Attorney's Office investigator, Mr. Ralph Neumann. And it's as we get into Mr. Neumann's explanation of what he had discovered about the Chmielewski family's use of the Senate's telephone system that I think you need to turn to that family tree to understand how these people are related. I'll give you a quick overview of the family tree now, and then perhaps refer back to it as I go through the various family members whose use of the phone system are described in the investigator's report. You'll see that Senator Chmielewski is married to Patricia Stolquist Chmielewski — Patricia Chmielewski — that her sister is MaryLou Stolquist Harrison, who lives in Duluth. As you'll see later, Mrs. Chmielewski gave the Senate's telephone access number to her sister MaryLou Harrison. MaryLou Harrison, among other things, used the telephone access code to call her brother Terry Stolquist who is also Patricia Chmielewski's brother. Florian Chmielewski Jr. lives in Maple Grove, Minnesota. Jeffrey Chmielewski, the second son of Florian and Patricia Chmielewski, also lives in Maple Grove. Their third son Mark lives in Brooklyn Center. Mark is married to Gena Granda whose brother Robert Granda is one person that telephone calls were

made to. Her sister is Leona Jurek who lives in Soderville, Minnesota and is married to Richard Jurek, and it is Leona Jurek's relatives in North Pole, Alaska, that were the destination of some telephone calls from the Jurek residence that were charged to the Senate telephone access number. The fourth child of Florian and Patricia Chmielewski is Patricia Chmielewski Devitt, who is married to Scott Devitt and they live in Bloomington, Minnesota. Scott Devitt's brother, Mark Devitt, lives in Vancouver, British Columbia, and a number of calls charged to the Minnesota Senate were made from Scott Devitt's home to Mark Devitt's home in Vancouver, BC. A name I didn't have room for on this chart is Scott and Mark Devitt's father, Maurice Devitt. Maurice Devitt, his home was the source also of some phone calls to Vancouver, BC, that will be described as I go through the probable cause statement.

Are there any questions about those family relationships?

SENATOR REICHGOTT JUNGE: Nope, seeing none.

PETER WATTSON: Then Madame Chair, the Senate's telephone system is described on what's numbered Page 5 of a fax. It's really the first page of Mr. Neumann's investigatory report. It points out that the telephone system was provided for the members of the Senate and their staff and that before May 1, 1991, entry into the Senate telephone system came by way of a telephone call to a state of Minnesota operator. When the operator answered the caller was required to identify who he or she was or from what Senator's office the call was being made. The operator then gave the caller access to an open line and the person completed the call. This procedure was changed after April 30, 1991, by establishing a numbered code system whereby the caller dialed an access code and the telephone number he or she wanted without the services of an operator. In August of 1992, the system was changed again. The Senate set up a separate 1-800 telephone number and replaced the six-digit access code with a three-digit barrier code. The telephone records kept by the Senate telephone system from 1991 to '94 included an origination record and a computer billing record. The origination record showed the date, the connect time, the length of the telephone call, and the number of the telephone where the call was placed. The computer billing records showed the date, the connect time, the length of the telephone call, the telephone number called, the city where the called number was located, and

the charge to the Senate for the telephone call.

So that's the system that Mr. Neumann was using in order in inspect and discover whether there was any improper use being made of the Senate's telephone system. And, recall that this investigation was not originally targeted towards Senator Chmielewski or his family, but had arisen from the Phonegate activities of a few years ago. It was as a result of this overall investigation of Senate telephone usage that certain unusual patterns of usage came to Mr. Neumann's attention and he followed them up. As he says here, he noticed that there were a large number of calls being made from what proved to be a business known as The Gambler, and from calls charged to Pat Chmielewski of Maple Grove, who would be Senator Chmielewski's wife and Jeffrey Chmielewski's mother. As a result of this investigation, and I won't go into the details of it now, Mr. Neumann found that Jeffrey Chmielewski and his business partner Loran Dolash were making a large number of calls around the country including calls to New Jersey on the East Coast and to Nevada in the West in order to promote their business, The Gambler, which dealt in buying and selling slot machines. At first, as you'll see on the bottom of that — a — Page 1 and the top of Page 2, Jeffrey Chmielewski denied any knowledge of these calls and denied that he had made use of the telephone system of the Senate for any private business purposes. Mr. Dolash also, at first, denied that use, but after continued questioning by Mr. Neumann, both Mr. Dolash and Mr. Chmielewski admitted that they had used the Senate's telephone system to make calls for the benefit of their business with the intent that the costs of those calls would be born by the Senate rather than by their business. As a result of this investigation of the use of Jeffrey Chmielewski, Jeffrey Chmielewski was charged with a felony of theft of telephone services. On April 29th, as I said earlier, Jeffrey Chmielewski pled guilty to the gross misdemeanor charge of theft of telecommunications services of more than $200 but not more than $500. As a part of that guilty plea, as I said, he agreed to make restitution to the Senate of something more than $1,000 to cover the cost of the calls that were made for his business purposes and improperly charged to the Senate.

SENATOR NOVAK: Madame Chair.

SENATOR REICHGOTT JUNGE: Yes, Senator Novak.

SENATOR NOVAK: Counsel, on the point related to the use of the phone by the son, in anywhere in any of these proceedings has it been made clear whether or not Senator Chmielewski was aware of the continued use of the phone by his son for business purposes?

PETER WATTSON: Madame Chair, Senator Novak, Senator Chmielewski denied to the investigators that he had any knowledge of how Jeffrey might have gotten the telephone access code. He said he did not give it to Jeffrey. Jeffrey told the investigators that his father did not know how Jeffrey had gotten the access code and he had not — the father had not given it to Jeffrey. At the sentencing hearing — or not the sentencing — the guilty plea hearing on April 29, Jeffrey swore under oath that his father had not given him the access code. That he had obtained it without his father's knowledge.

REICHGOTT JUNGE: Senator Novak.

SENATOR NOVAK: Counsel, can it be assumed that Senator Chmielewski's comments were made under oath too?

PETER WATTSON: Madame Chair, Senator Novak, I don't know whether he made those comments under oath.

SENATOR REICHGOTT JUNGE: Senator Frederickson.

SENATOR FREDERICKSON: Madame Chair, Mr. Wattson, how many different codes did Mr. Jeff Chmielewski obtain? These calls were made, I believe, weren't there more — wasn't there more than one code used because the Senate had changed its code or changed the procedure?

PETER WATTSON: Madame Chair.

SENATOR REICHGOTT JUNGE: Mr. Wattson.

PETER WATTSON: Senator Frederickson, as I recall the detail here shows that Jeffrey Chmielewski had first made calls under the first of the three systems that I described. That is where you had to talk to a state operator and identify yourself as working for a Senator's office. That he also made calls under the second system where there was an access code and further he made calls under the third system where there was a barrier code. In his sworn testimony at the guilty plea proceedings he testified that he had obtained the access code more than once but he

did not identify which times. It's only from the chronology here that we can determine that he had obtained it at least three different times.

SENATOR REICHGOTT JUNGE: And Mr. Wattson, I believe in one of those cases he obtained it like within one or two days of the change.

PETER WATTSON: Madame Chair, that may be correct.

SENATOR REICHGOTT JUNGE: So the situation here, at least and I think this is a key point here myself is that son Jeffrey received a new code somehow on three different occasions and it didn't take a long time to get it. I mean it was within a day and that is just born out by the record. Senator Frederickson.

SENATOR FREDERICKSON: Madame Chair, Mr. Wattson, when the Senate changed the barrier code or access codes, how are those codes disseminated to the members of the Senate and are they given to anybody else except the members of the Senate?

SENATOR REICHGOTT JUNGE: Mr. Wattson.

PETER WATTSON: Madame Chair, Senator Frederickson, I think that method of notification has changed from time to time but I think the Secretary of the Senate has sent a little note or a card to individual members telling them. Sometimes the change has been made without really notifying the change, they discover that they can no longer make their calls as before and they have called in and found out what the new number is. Getting back, Madame Chair, to your point, on Page 4 of the investigator's report, about in the middle of the page, it describes how the second system went into effect on August 1, 1992, and then on August 3, just two days later, a telephone call was made from The Gambler and charged to the Senate telephone system. As he says, "This suggests that Jeffrey Chmielewski obtained the new access code from someone less than three days after it had been changed."

SENATOR REICHGOTT JUNGE: The other point, Senator Novak's and Frederickson's is that, and my concern is that in the investigative report, it talks about how son Jeffrey when first questioned about all the calls just consistently denied they were made on the Senate access code or that he had any idea that that was going on, and then after subsequent questioning he changed his mind and then said yes he had made the calls. So, I guess, and I just point that out

because when he later says that he was not given the access code, I just think you have to think about that in the context of the statement before then.

PETER WATTSON: Madame Chair, a second example of how Jeffrey obtained the access code soon after it was changed was in January of 1993, where the access was changed, I believe, at the beginning of the year about January 1st and then on January 7th telephone calls charged to the Senate telephone system were made from The Gambler. That again is in the paragraph in the middle of Page 4 of the investigator's report.

SENATOR REICHGOTT JUNGE: Please proceed.

PETER WATTSON: On Page 6 of the investigator's report, we move from the activities of Jeffrey Chmielewski to the activities of Patricia Devitt and Mark Chmielewski. Senator Chmielewski has said that the only persons in his family who had the Senate access code were his wife, his son Mark, and his daughter Patricia Devitt, that the reason they had the access code was so they could call him and relay Senate business messages. He said he traveled extensively on Senate business, had a large district, and received numerous telephone calls on a daily basis at his home in Sturgeon Lake. That he was usually gone from home about six days a week. Senator Chmielewski had first told the investigators that he was sure his daughter Patricia Devitt and his son Mark understood that this telephone system was to be used only for Senate business, and he was sure that they had used it only for those purposes. But the investigator discovered a series of calls from Mesa, Arizona and Denver, Colorado, back to Minnesota and various other places. Some of those went to Jeff Chmielewski's girlfriend's home and others went to The Gambler. When asked about two calls that went to Robert Granda of New Hope, this is on the second paragraph from the bottom of Page 7, Mr. Neumann asked Robert Granda, asked Senator Chmielewski if Robert Granda was a constituent of Senator Chmielewski, the Senator said, "Well, he is a constituent, everyone in the whole state is a constituent of mine." He said he thought Robert Granda might be the one that runs a day care center. As Mr. Neumann notes here at the bottom of the page, Robert Granda was the husband of Gena Granda who was Mark Chmielewski's wife.

SENATOR REICHGOTT JUNGE: And just for the record, he would be my constituent.

PETER WATTSON: Oh. When asked to explain why it was that he was using the telephone system as much as he was, Senator Chmielewski on Page 8 explained that he moved around a lot, stopping at his children's homes and using the telephone for Senate business calls whenever he was at his children's homes. He went on to relate that, "I am the most visible person in the Legislature by far. There's nobody who would ever begin to compare. I could walk down the street in any town in this state and I'm going to get stopped because they know me all over the state." Senator Chmielewski said that kind of recognition was what generated a huge amount of telephone calls to him. Mr. Neumann and his fellow investigator, Jerry McNiff, asked the Senator about telephone calls that had gone from Mark Devitt's home to North Pole, Alaska, and Mark said he was not aware of anyone that he knew there. He said he didn't recognize it. I believe that later discussions as part of the sentencing and the claim for restitution when they were trying to determine the dollar amount that was personal calls versus senate calls disclosed that the people in North Pole, Alaska, were actually relatives of Leona and Richard Jurek. Leona Jurek being the sister of Gena Granda who was the wife of Mark Chmielewski. This is another case where you need the family tree in order to keep straight who these people are. The detail on the calls to North Pole, Alaska, is on the bottom of Page 8.

The activities of MaryLou Harrison, Mrs. Chmielewski's sister, are described beginning on the top of Page 9. It notes that she lived in Duluth and that Patricia Chmielewski had given her sister the telephone number so that she could call her relatives at the time that, I believe it was their mother had died, but among the calls MaryLou Harrison had made were to people in Vacaville, California and Dayton, Ohio, and that these may have been related to the death of their mother, but they were not on Senate business. It also points out that one of the people that MaryLou Harrison called was her brother and Mrs. Chmielewski's brother Terry Stolquist of Mora.

SENATOR REICHGOTT JUNGE: Counsel, there are a number of cases in here where the number — where I believe Senator Chmielewski agreed or acknowledged that he gave the number to a child like Mark, for example, because he says that he lives there on occasion.

PETER WATTSON: Mm hmm.

SENATOR REICHGOTT JUNGE: And then it appears that these children then used the code to do things like call the North Pole. Now, if Senator Chmielewski was here, I'm wondering, he would probably say I didn't know they were making those calls to the North Pole. What responsibility does Senator Chmielewski have to monitor the use of that code once he does give it to his children?

PETER WATTSON: Madame Chair, I think you're correct about what Senator Chmielewski would say and that is what he had told the court and that was a part of the guilty plea and the sentencing proceedings but as the court pointed out, he did have a duty to supervise the use of that access code and the guilty plea was based not on any calls that Senator Chmielewski made but rather only on the calls made by his children and their relatives and friends even without the knowledge of Senator Chmielewski. There was no finding as a part of the guilty plea or the sentencing that Senator Chmielewski had provided the number to these people knowing that they would use it for improper purposes or even that he knew that they were using it for improper purposes after he had provided it to them.

SENATOR REICHGOTT JUNGE: Senator Frederickson

SENATOR FREDERICKSON: I don't have a question.

PETER WATTSON: That was described as the Senator's failure to perform a nondiscretionary, ministerial duty, which is to make sure that, if he had the Senate's phone number, it didn't get used for an improper purpose.

SENATOR REICHGOTT JUNGE: So, even if he had knowingly given the number, it would have been the same conclusion. The same crime.

PETER WATTSON: Madame Chair, I don't believe that that's true. The original charges that were brought against Senator Chmielewski were felony charges. That is what the county attorney was considering bringing against him. It was as part of the plea negotiations that the charge was reduced to a gross misdemeanor and it was reduced, I think, largely on the basis that Senator Chmielewski did not know about the misuse of his phone number and had not intended in any way that the number should be misused. If there had been evidence that he had intentionally given it to people to be used for an improper purpose, I would believe that the

felony charges probably would have continued. The dollar amounts that we are talking about here, over $3,000, are sufficient to support a felony charge.

On Page 9 also is discussion of the use made by Senator Chmielewski's daughter Patricia Chmielewski Devitt. She was married to Scott Devitt and she testified that Scott Devitt did not know the Senate access code. She first testified to the investigators that she had never used the Senate access code to make personal calls, but the investigators discovered a pattern of calls that had been made from Scott Devitt's office at the Ceridian Corporation, and calls that had been made from the Devitt's home to a variety of places. Those calls included calls to New York and another east coast destination as well as the calls to Vancouver, British Columbia. Even though the calls were made from — that some calls were made from Scott Devitt's office, Patricia Chmielewski Devitt said that those calls had been made by her, and that she had an office that was not far from his office at Ceridian and she had gone over to his office to make those unauthorized calls. Likewise, where the telephone records showed a number of calls going from Scott and Patricia Devitt's home to Vancouver, British Columbia, Patricia Devitt said that those calls had been made by her father at her request or had been made by her. Now the calls were made to Scott Devitt's brother Mark Devitt and there were additional calls made to Vancouver, BC, for example, one on Christmas Eve 1992, from Maurice Devitt, that is, Scott Devitt's father's house, to Scott's brother Mark Devitt in Vancouver and then another call on March 7, 1993, from Patricia and Scott Devitt's house to Vancouver, BC, 2 hours and 29 minutes; cost of over $100. Patricia Chmielewski Devitt said that those calls were not made by Scott Devitt but rather were made by her.

The next Pages, 10 and 11, show primarily additional detail about calls made by Jeffrey Chmielewski and some made by Loran Dolash related to his gambling business or gambling machine business. There is a reference on Page 12, I guess these are additional Jeffrey Chmielewski calls to people that he had done a band business with, played in the Chmielewski Fun Time Band of which Jeffrey Chmielewski was the proprietor and the manager, and also to Jeffrey's girlfriend and other businesses. Pages 13 and the top of Page 14 describe more calls made by Loran Dolash, Jeffrey Chmielewski's partner.

And Item No. 2 on Page 14 is a description of calls made by Florian Chmielewski Jr. to a Steve Peterson in Elk River to discuss sheet rock jobs. This was not Senate business. There were also three telephone calls from Mesa, Arizona and Las Vegas to Steve Peterson's home.

The information about Scott Devitt on the bottom of Page 14 and the top of Page 15 is part of what I had described earlier in connection with Patricia Devitt identifying those calls to Buy Rite, a mail order house in New York, Camera World of Portland, Oregon, New York directory assistance. There's a little more about MaryLou Harrison on the bottom of Page 15, and the top of Page 16. There's an additional item relating to Mrs. Harrison's use of the Senate's telephone access code toward the bottom of Page 16, and it's talking about an interview that Mr. Neumann had with her and then he had had an interview with Senator Chmielewski. Beginning a little above the or a little below the middle of Page 16 says, "Mrs. Harrison told me that Senator Chmielewski telephoned her the day after I called her on December 7, 1994. She told me Senator Chmielewski said, 'We're going to have to come up with the numbers I called — the Senate or what the phone numbers were for.' When I asked Mrs. Harrison what he meant by 'come up with something' she answered, 'Probably that's the reason why, well, it had to do with business from for the Capitol or something like that and if we don't come up with the reason why I called, it had to be for that reason or then they would add up all the charges and bill me.' I again asked Mrs. Harrison what Senator Chmielewski meant by come up with some reason for those telephone calls, she replied, 'Well the only reason you're supposed to use that number is for the Capitol. You know, for that business.' When I asked her if Senator Chmielewski meant she should fabricate some reason for the telephone calls she made on the Senate telephone system she said, 'Well, that's how I took it.' Later on in our conversation I asked Mrs. Harrison if Senator Chmielewski meant for her to tell me some story that the telephone calls she made to her sons, here sister in Vacaville, California, etc., were legitimate Senate business, she answered, 'Yeah, there you go.'"

Pages 17 and 18 are an explanation primarily from Mrs. Chmielewski of why she had given the number to her sister, MaryLou Harrison, and the use that she understood that Mrs. Harrison was making of the Senate's telephone number.

On the top of Page 19, Mr. Neumann describes more recent activities. He notes that the records for Senator Chmielewski's office telephone reflect the bills were approved by him beginning with September 1993. The bills for the Senate telephone system beginning in April 1994 reflected all calls including calls charged to the 1-800 number. Bills after April 1, 1994, were approved by Senator Chmielewski and contained a pattern of telephone calls which were personal calls. An examination of the available records for April, May, and June 1994 show that there were 191 telephone calls made to family members and friends of Senator Chmielewski which were made using the 1-800 number and the barrier code. It's really based on those three months' worth of calls that the criminal charges were brought — were based, but as I told you earlier, the amount of restitution that was set by the court, not necessarily in agreement with Senator Chmielewski but set by the court, after hearing from both Senator Chmielewski and the probation officer, included calls that were made before that time going back to 1991. Any questions about the investigator's report?

SENATOR REICHGOTT JUNGE: Questions?

PETER WATTSON: The next few pages are the balance of the plea agreement and then we get into the transcript of the guilty plea that was taken on December 5th before Judge Fitzpatrick. There is on Page 6 of that a brief description of the way the system operated, but as Senator Chmielewski said on line 7 of Page 6, "Well, my understanding is that the members of the Senate when they would call into the Capitol, it was all the same number, but in 1989 to 1993, the numbers were all sealed under the Minnesota Data Privacy Act. We all used the same number, but the contents of the calls, the nature of the calls, was not available to any member of the Senate because everybody had the same number and they were under the Minnesota Data Privacy Act." In other words, it appeared that there was no way that a person could tell who was calling whom. That same point is made on Page 8 beginning on line 16. "Everyone from my recollection is that every member of the Senate had a code number but the code numbers were all identical. They were all the same. And everyone when they called in the telephone numbers were now all mixed together. There was no separation of the calls from one another and we had no access to the records because the Minnesota Data Privacy Act is what covered all telephone

calls that were made by the Senators." Then the Senator pointed out on the bottom of Page 10 that he had not seen a bill for those telephone services until 1993. That before that time the bills were submitted just to the Secretary of the Senate who paid the bills and there was not any certification by an individual member that the bill was proper and there was not a record of the calls that were charged to the member's numbers that the member could have reviewed to determine whether there were any unauthorized calls made. On Page 12, the Senator acknowledges that he gave the Senate's telephone access number to his wife and that it was his responsibility to ensure that the Senate access code was not used for other than Senate business. And on the bottom of Page 17, Mr. Balck says — Mr. Balck was the Assistant Ramsey County Attorney who was prosecuting this case — he says, "You had a responsibility to ensure that the Senate access code was to be used only for Senate business. That was your responsibility as the elected official, correct?" And Senator Chmielewski answered, "That's correct." Page 19, Mr. Balck says, "The bottom line is you had a responsibility and you didn't fully perform that responsibility, isn't that correct?" Answer: "Well, I didn't perform it in a satisfactory manner." Question from Mr. Balck, "And that's the nature of the misconduct of a public officer that you're pleading guilty to, is that correct?" Answer: "I understand, yes. I did plead guilty to that." Any questions about the guilty plea and the facts that supported the guilty plea?

SENATOR REICHGOTT JUNGE: I don't see any.

PETER WATTSON: Okay, the next item in your packet is a copy of the statute 609.43, misconduct of a public officer or employee. And it's primarily clause (1) that we're concerned with here. Intentionally fails or refuses to perform a known mandatory, nondiscretionary, ministerial duty of the office or employment within the time or the manner required by law.

Then we move into the packet of materials that were prepared after the January 3rd hearing date was scheduled. The first item in it is really old business. It's a letter December 11, 1995, in which Senator Chmielewski resigns his positions as chair of the committee on Transportation and Public Transit and as president pro tem of the Senate. Next is a January 2, 1996, letter from Senator Reichgott Junge and Senator Frederickson informing him of the hearing that has been scheduled for January 9th to consider the complaint against him. Next is a

letter January 5th from Thomas J. Ryan, Senator Chmielewski's attorney asking for a continuance because on January 9th Mrs. Patricia Chmielewski is to be released from the hospital and brought home by Senator Chmielewski. In addition, Mr. Ryan says that because the sentencing of Senator Chmielewski has not yet occurred, he believes it would be appropriate to continue the matter lest there be any prejudice to Senator Chmielewski in the sentencing caused by facts that might come out — discussion that might occur in a subcommittee proceeding on the same issues before then. He also mentions on Page 2 that it would be improper and perhaps unconstitutional to have hearings by this subcommittee before Jeffrey Chmielewski's case is completed. As we said earlier, as the chair indicated earlier, that request for a continuance was granted.

In the meantime, I had discussions with Mr. Tom Ryan and Senator Chmielewski about the statements that had been made in court, the court record, and from that record, I had prepared a draft of findings of fact for this subcommittee's consideration. The three of us met to go over that draft findings and one of the things that the Senator and his attorney pointed out was that the letter on Senator Chmielewski's stationary to the A.C. Coin and Slot Service Company in New Jersey was not sent by Senator Chmielewski. That the Senator denied any knowledge of that letter. So I called the company and asked for a copy of the letter and they sent it back to me, and that's the next couple of documents in your file there. The letter that was referred to in Mr. Neumann's investigatory report as being from Senator Chmielewski to the slot machine company is the one dated December 26, 1991, and if you look at it and compare it to the other letter on the facing page dated December 11, 1991, you see a number of significant differences. One is the letterhead that they're printed on. You'll be quite familiar with the letterhead on the right from December, purporting to be December 11, 1991, because it's really quite similar to the letterhead that we are using now. But the letterhead on the left is an older style and may predate some of your time in the Senate. I did some inquiry of the Secretary of Senate and other employees to see if I might date the letterhead on the left and found that, based on the style used, and the style of the Senate's letterhead was changed in 197 — let's see — 75 or so to the style that you see on the right. Looking at the committees that are listed here for — well, looking first

on the left side, Florian Chmielewski's Senator 14th district, well, as you can see on the — I guess it doesn't show on the letter on the right, but that isn't his district, he's the Senator from the Eighth District. He was the Senator from the 14th District back during the legislative session of about 1973, about 20 years ago. Also, the committees listed there — something in general legislation, Vice Chairman of Committee on Veterans Affairs, Member of the Local Government, Taxes and Tax Laws Committees, those were assignments that he had during the 1973-74 Legislative Session. Also note that the typeface, the type style of the font on the left is different from the one on the right and there are different style conventions. The salutation "Dear Mr. Seeling" ends with a comma whereas the salutation on the letter on the right ends with a colon. Senator Chmielewski's signature at the bottom on the right-hand side is all in caps and it's President pro tem followed by his initials and the initials "ed," which would have been his secretary Eleanor Dierkins. The letter on the left to the slot machine company, his name is not capitalized and his title is given as President, Minnesota Senate. Well, we all know he was not, never has been the President of the Minnesota Senate, so that title is incorrect. But notice also that there are no typist's initials and no "FC" on it. I think the next page is a signature of Florian Chmielewski. Having seen these two letters and noted their differences, being quite suspicious about the letter on the left to the slot machine company, I thought one additional matter that I could check would be Senator Chmielewski's signature. His office procedure is not to keep a signed copy of a letter in the file. So the letter on the right, the December 11th letter, doesn't have his signature on it. I simply asked him on January 25, 1996, to sign his name on a blank piece of paper and he did that, and you can do your own comparison between that signature and the one on the letter of December 26th. The next — any questions about those letters and what they show or don't show?

SENATOR REICHGOTT JUNGE: See none.

PETER WATTSON: The next item in the file is the order of Judge Fitzpatrick dated February 23rd granting Senator Chmielewski's request for a continuance until after the legislative session has adjourned. Next is a letter from Senator Chmielewski to Pat Flahaven dated March 14, 1996, inquiring about his phone bill. He noticed that a number of the calls

included on his December 1995 bill were to members of his family and that similar calls to members of his family had been questioned by the Ramsey County Attorney in the criminal proceeding and found by the county attorney to be not on Senate business. So, he is concerned that he not approve the payment by the Senate of these calls, lest he be admitting to mismanagement of his office exactly in the same way as he had already pleaded guilty to. Next is a letter from Mr. Ryan to Charles Balck, the Assistant Ramsey County Attorney, saying that based on Senator Chmielewski's own analysis of the telephone records, he has conceded that $326.55 of those phone calls are not legitimate Senate business and should be reimbursed. And he says he will pay that $326.55 as soon as he is directed as to the appropriate recipient. Next is a letter from me dated March 25th where I advise both Mr. Ryan and by copy Mr. Balck that whether he pays his money directly to the court or to the Senate, it's the Senate who should be the ultimate recipient of the money because notwithstanding that the bill was paid to the phone company by the Department of Administration, the Senate has to reimburse the Department of Administration for the telephone service provided to it and the Senate has already done so, and advising Mr. Ryan and Mr. Balck that any restitution should include the three percent federal telephone tax.

Next is a letter dated April 16, 1996, from Mr. Ryan to Judge Fitzpatrick enclosing a number of documents that Mr. Ryan characterizes as the defendant's fact brief. It is Senator Chmielewski's statement of what he believes the facts to be and that begins on the next page. He says in that, among other things, on the first page that the Senator never disclosed the telephone code or access to Jeffrey Chmielewski. The first he knew about these unauthorized calls was in the month of October 1994, well after the calls had been made. He acknowledges on the top of Page 2 that he had given the telephone access code to his wife, Patricia Chmielewski, and to his daughter, Patricia Devitt, and to his son, Mark.

SENATOR REICHGOTT JUNGE: Excuse me, which document are you reading from?

PETER WATTSON: It's entitled defendant's fact brief.

SENATOR REICHGOTT JUNGE: Okay.

PETER WATTSON: And this is Page 2. On Pages 3 and 4, there is a description of the

plea bargain negotiations. At the bottom of Page 3, he notes that not wanting the innocent members of his family to subject themselves to a possible grand jury procedure or embarrassment, Senator Chmielewski and his attorney sought an alternative and that was the alternative of the Senator pleading guilty to a gross misdemeanor. On Page 5 is a description of how Senator Chmielewski characterized calls to family members that might mix personal matters and business. He says the Senator would call, his wife would answer the phone, the Senator would ask his wife if there were any constituent or Senate related calls, she would respond, after she responded, the Senator would sometimes ask, "How are you?" This, according to Mr. McNiff, made that call illegal and was counted as a call not on Senate business whereas Senator Chmielewski would contend that because he did discuss some Senate business that the entire call should be considered a business call. That I think is the primary source of the disagreement between Senator Chmielewski and the county attorney over the dollar value of the reimbursement.

SENATOR REICHGOTT JUNGE: Mr. Wattson, then what documents do we have left here to go through?

PETER WATTSON: We've got the transcript of the sentencing proceeding and the transcript of Jeffrey Chmielewski's guilty plea or the main document. We are going to zip through the rest of this fact brief. I think you can see by reading through it how it affirms many of the findings made by Mr. Neumann and his investigation, but denies any knowledge by Senator Chmielewski of the improper uses that were being made and raises the issue of how to account for calls that mix Senate business and personal matters.

SENATOR REICHGOTT JUNGE: Senator Frederickson.

SENATOR FREDERICKSON: Madame Chair, Mr. Wattson, how should we view this defendant's fact brief? Is this something that the court has accepted as fact and that the prosecuting attorney has accepted as fact or is this the defendant's version of what happened that's been presented unchallenged?

PETER WATTSON: Madame Chair, Senator Frederickson, it's the latter. It's the Senator's version of the facts that have been presented to the court for the court to consider in

sentencing and was not challenged at that time by anything submitted by the Ramsey County Attorney. The county attorney had relied on the investigator's report from back in December. So this doesn't have any court stamp of approval, but it's the clearest statement that Senator Chmielewski made — or can make of his side of the case. This is what he wishes, Mr. Ryan has told me, the Senator wishes to present to the subcommittee as his view of the case.

The remainder of the fact brief is primarily a listing and an allocation of the various calls and division of them between what the Senator agrees are improper calls and what he would contend are proper calls. There are a few related and different matters. In Exhibit C, if you can page through to get to Exhibit C, is a residential lease entered into between Senator Chmielewski and his son Mark whereby the Senator agrees to lease space in Mark's house during the 1995-1996 calendar years at a sum of $600 a month. So he will be paying Mark $600 a month to stay at Mark's house. Then there is a series of affidavits from Chmielewski family members and friends that Senator Chmielewski's place of abode on a year round basis was primarily with their daughter Patricia Devitt. Now that's Patricia Devitt down in Bloomington and part time at the home of Mark in Brooklyn Center. There's not a lease that has been offered to the court in evidence of space in Patricia Chmielewski Devitt's house, only the lease at Mark Chmielewski's house, and these other people all say that Senator Chmielewski stayed either with his daughter or with his son on a regular basis. There's a copy of my letter about where to send the money. A copy of — a list of people who have repaid the Senate for their improper use of the Senate's telephone systems and Exhibit I is Senator Chmielewski's check for the $297.38 that he paid to the Senate in April. There's another copy of the check along with Senator Chmielewski's letter of April 18, 1996, to Pat Flahaven, which enclosed the check. Then we get to the transcript of the sentencing proceedings before Judge Fitzpatrick on April 22nd. And here they identify the dollar amount less the calls attributable to Jeffrey Chmielewski and Loran Dolash on Page 3, line 14, the dollar amount is identified as $3,841.29. And they have some discussion about whether that is the appropriate amount and Senator Chmielewski's attorney makes the point on Page 5, line 20, that it should be only $297 that the Senator should have to repay.

SENATOR NOVAK: Madame Chair.

SENATOR REICHGOTT JUNGE: Senator Novak.

SENATOR NOVAK: It seems like this is one point that we ought to be able to settle. Is there a point of contention as of this moment in time about any money related to this issue at all that ought to be repaid by Senator Chmielewski that has not been?

PETER WATTSON: Madame Chair, Senator Novak —

SENATOR REICHGOTT JUNGE: Mr. Wattson.

PETER WATTSON: I don't believe so because the court a little bit later on in this transcript says well I'm ordering the $3,841.29 and that's it and as I said earlier and we'll see a few pages later on here Senator Chmielewski's wife did repay the additional $3,500 to make up the difference between the 297 and the 3800 that he owed. So it has been paid as of this past Friday.

SENATOR NOVAK: And I assume that's just a —

SENATOR REICHGOTT JUNGE: Senator Novak.

SENATOR NOVAK: — a typical joint account between husband and wife, I'm assuming.

PETER WATTSON: Well, Madame Chair, Senator Novak —

SENATOR NOVAK: Maybe there is no such thing as a typical joint account between husband and wife.

PETER WATTSON: It might be helpful to take a look at the two different checks. If you're on that check from April 15th.

SENATOR NOVAK: Well, let me ask it a different way. Is it accepted by the court and all of the other official entities that there was an agreed to amount of what was owed and the payment has been made, it is paid in full?

PETER WATTSON: Madame Chair, Senator Novak, not exactly. As I said, on the April 15th check you will see it is a joint account Florian or Pat Chmielewski, Route 1, Box 388, Sturgeon Lake, Minnesota, signed by Florian Chmielewski. The check that's almost at the end of the packet from June 14th is from an account that's labeled Pat Chmielewski, Route 1, Box 388, Sturgeon Lake, with no reference to Florian. So it appears that this second check comes

from something that was not a joint account and it is signed by Pat Chmielewski. I just found out about the receipt of this check this morning and I got this copy sometime around noon today. It's my understanding that when the Senate Fiscal Services people received it, the Sergeant at Arms called down to the Ramsey County Probation Office, Mr. Art Mills, who had been the one who calculated the amount and said we have received this check, we want you to know that we have it and we're going to deposit it. I have not sent any notification to Mr. Balck, I don't know whether Mr. Mills notified Mr. Balck, I don't know whether this is acceptable to Mr. Balck or the court. I assume that it will be, but there's been no confirmation of it since it just arrived.

SENATOR NOVAK: Well, Madame Chair.

SENATOR REICHGOTT JUNGE: Senator Novak.

SENATOR NOVAK: Counsel, give me a reason why it wouldn't be. Is there a reason why it wouldn't be?

SENATOR REICHGOTT JUNGE: Mr. Wattson.

PETER WATTSON: Madame Chair, Senator Novak, the only reason would be that the court had ordered Senator Chmielewski to make restitution and this restitution is not apparently coming from Senator Chmielewski's assets but rather from the assets of his wife. As far as the Senate is concerned, I don't know that we care whether it comes from husband or from the wife but whether the judge who ordered the restitution cares, I don't know.

SENATOR NOVAK: Madame Chair.

SENATOR REICHGOTT JUNGE: Senator Novak.

SENATOR NOVAK: I thought you said it was a joint account.

PETER WATTSON: Madame Chair, Senator Novak.

SENATOR REICHGOTT JUNGE: Mr. Wattson.

PETER WATTSON: As I tried to point out, in April they apparently did have a joint account and the check came from a joint account but this check dated June there's not a day given but it's just June 1996, it's from the same bank in Sturgeon Lake, she lists the same address, but there is no mention of Florian Chmielewski on the check.

SENATOR TERWILLIGER: Madame Chair.

SENATOR REICHGOTT JUNGE: Yes, Senator Terwilliger.

SENATOR TERWILLIGER: I don't believe that in looking at a check you can tell what type of an account it is. You need to look at the actual signature card.

SENATOR REICHGOTT JUNGE: I guess he would know.

SENATOR TERWILLIGER: That's on file with the bank. That's the only way you would be able to tell if in fact it's a joint account and — because many times people just request to have checks printed with or without one or both names.

SENATOR NOVAK: Madame Chair.

SENATOR REICHGOTT JUNGE: Senator Novak.

SENATOR NOVAK: Maybe I could ask Judge Sheran. What I'm trying to discover or understand here is whether or not this is relevant or not. I mean would the court in a situation like this normally accept payment from one of two married people as a conclusion of the financial aspect of a case or —

CHIEF JUSTICE SHERAN: Yes.

SENATOR NOVAK: Thank you.

SENATOR REICHGOTT JUNGE: Okay. Then Mr. Wattson do we — where were we, the sentencing still?

PETER WATTSON: Madame Chair, we were, I think, on Page 5, line 20 where there was a discussion of what the dollar amount should be and that the judge had later on in the transcript concluded that it should be the higher amount arrived at by court services and ordered that. This discussion occurs, let' see, on the bottom of Page 10, the court says, "I do want to say that I am disturbed with two things involved here. Number one is, I'm concerned that if perception has been given that the incident that we're dealing with is something short of a serious crime. Number two, I am disturbed at the lack of assumption of the moral requirements of assuming responsibility for the abuse of this telephone credit card. I am wondering whether we should not give consideration to withdrawing the plea in this matter and sending the matter down for trial."

SENATOR TERWILLIGER: Madame Chair.

SENATOR REICHGOTT JUNGE: Senator Terwilliger.

SENATOR TERWILLIGER: Pardon me, I was distracted here, where are you reading from counsel?

SENATOR REICHGOTT JUNGE: Senator Terwilliger that's the sentencing document — transcript of sentencing, it's oh, not too far from the back. It says — it looks like a court document transcript of sentencing. I think that's it. It's Page 10 and 11 of that document. There's two of them. One for Jeffrey and then one for Florian.

SENATOR TERWILLIGER: Which one are you reading from then?

SENATOR REICHGOTT JUNGE: This would be the Florian sentencing — transcript of sentencing, Pages 10 through 11. Please proceed. Did you find it?

SENATOR TERWILLIGER: No.

SENATOR REICHGOTT JUNGE: What apparently happened during the sentencing — or the guilty plea, during sentencing, okay, is that Senator Chmielewski was questioned and they talked a great deal about the restitution.

PETER WATTSON: Madame Chair, continuing then. On the top of Page 11, line 3, the court says, "I'm wondering whether we should not give consideration to withdrawing the plea in this matter and setting the matter down for trial." Mr. Ryan asked, "Do you wish a response, Your Honor?" The court says, "I certainly do." Mr. Ryan asks for ten minutes to discuss the matter with his client Senator Chmielewski and when they come back, Senator Chmielewski has agreed to pay the entire amount that court services has calculated.

SENATOR REICHGOTT JUNGE: As I recall counsel, at the time of the plea in December, a similar thing occurred, did it not?

PETER WATTSON: Yes.

SENATOR REICHGOTT JUNGE: Could you describe that?

PETER WATTSON: During the proceedings on the guilty plea as they were proving up the charges, Senator Chmielewski was acknowledging that some misuse had been made of the Senate's telephone system but was denying responsibility for it saying that he did not know that it was being misused and he had not given it to anyone with the intent that it be misused, and the

court commented that it looked as though Senator Chmielewski was not really admitting to having committed a crime. There was a recess. They apparently discussed the matter in chambers for a while and when they came back, Senator Chmielewski said yes, I admit that I committed the crime and what I did was wrong.

After this recess, Madame Chair, on Page 12, Mr. Ryan enters into the record a statement of the life and times of Senator Chmielewski and his service to the state and the community. Asked the court to consider that. Consider his age and his service, his absence of intent, planning, or premeditation and the absence of any record and the recommendation of the state probation officer as to the disposition. So after that then sets the figure. Page 17, line 5, sets the figure at $3,841.29. They have a discussion of an additional amount, $4,731.16, and that would include the amounts payable by Jeffrey, and if you add the three percent federal excise tax it would bring the total on line 23 up to $4,873, and the court says on Page 18, line 12, if it's determined legally that they are not, that is, Jeffrey Chmielewski and Loran Dolash, are not responsible then you, Senator Chmielewski, shall make restitution for the difference, and that has to be accomplished within the two-year period. In addition, I will be requiring that you do 100 hours of voluntary community service. That has to be accomplished within one year.

Now that completed the sentencing and then on April 24th there is a letter from Senator Moe and Senator Dean Johnson to Senator Chmielewski asking him to voluntarily appear before this subcommittee, and about five days later occurred the sentencing of his son Jeffrey and Jeffrey pleaded guilty. He had been charged with a felony, but as the transcript shows, in plea negotiations, he agreed to plead guilty to a gross misdemeanor, that is of theft of telecommunications services of an amount greater than $200 but less than $500, which would be not a felony but rather a gross misdemeanor, and this is on Page 2, lines 17 to 20, where he also agrees, as part of the plea, to pay restitution to the state in the amount of $1,141.47 or 48 cents. And on Page 5, lines 12 and 13, you'll see the dollar amount is corrected to $1,141.78. If you'll — when you get to Page 10.

SENATOR REICHGOTT JUNGE: Senator Frederickson

SENATOR FREDERICKSON: Madame Chair, Mr. Wattson, I'm just curious about a

couple of the dollar amounts. On Page 2, he pleads guilty to offense of theft in amount greater than $200 but less than $500, but the restitution is in an amount of $1,141.78. I'm having trouble reconciling those two figures.

PETER WATTSON: Madame Chair, Senator Frederickson, I don't have any inside knowledge on why the difference but from what I know about the rest of the case I can guess that it has to do with this difference between the statute of limitations on the crime and the amount of civil restitution to be made as part of the sentence. I know from the proceedings in the Florian Chmielewski case that the $1,141 would include calls that went back before the statute of limitation. All the way back to 1991. So it may be, and I'm only guessing here, that the $200 to $500 amount was appropriate for the calls made within the statute of limitations. But I don't know that for sure.

If we have reached then Page 10 of the transcript, you'll see a discussion of how and when Jeffrey Chmielewski obtained the access code. Mr. Balck, who is asking the questions says on line 13, "And did you in fact make use of more than code during this time period?" Answer: "I believe so, yes." Question: "Did you in fact?" Answer: "Yes." Question: "Use more than one code?" "Yes, that's true." Question: "And did your father or any member of your family give you permission to use one of those codes?" Answer: "No." Question: "Did your father or any member of your family give you the codes themselves?" Answer: "No." Question: "Did any member of the state Senate or any official from the State of Minnesota?" Answer: "No." Question: "Give you permission to use those codes?" Answer: "No." Further on down on lines 13 to 15. Question: "Did you also give that code or access code or barrier code to Loran Dolash?" Answer: "Yes." On the bottom of the page, line 24, question from Mr. Balck, "and did you give Dolash the code so that he too could make long distance calls without paying for it?" Answer: "Correct." On line 15, Question: "And that's all without any permission or authorization from your father, members of the family, or anyone from the state Senate, is that right?" Answer: "Correct." So as far as Senator Chmielewski has testified and as far as Jeffrey Chmielewski has testified under oath, Jeffrey did not receive the codes with the knowledge or consent of his father.

The next document is a copy of the theft statute, section 609.52, to which Jeffrey Chmielewski pled guilty and also 609.05, liability for crimes another, making Jeffrey liable for the crimes committed by Loran Dolash. Because Jeffrey intentionally had aided, advised, hired counseled, or conspired with him to commit the crimes that were committed by Loran Dolash.

Next is a letter from Senator Chmielewski to Senator Moe dated May 2, 1996, in which Senator Chmielewski apologizes to Senator Moe, his fellow members of the Senate for all that he has done or failed to do which has caused the integrity of the institution or you as a member to be compromised or embarrassed in any way and he also apologizes to his constituents and to the people of Minnesota.

The next is a letter from me to Mr. Ryan dated May 7 informing him that I have asked for a transcript of the sentencing proceedings and that the subcommittee is hoping to meet on this matter as soon after that has been received as is possible.

Next is a May 30th letter from Senator Moe to Senator Chmielewski asking him to identify several dates between then and June 22nd when he could be present to give testimony. Senator Moe says if we cannot agree on dates by Wednesday of next week, I'll have to ask the subcommittee to proceed with its hearings in your absence.

Next is a letter from me sent by fax to Mr. Ryan dated June 12 advising him that the subcommittee has tentatively scheduled meetings for today, Wednesday June 19th at 1 p.m. and Thursday, June 27th at 10 a.m. on this complaint and requesting that if you have alternative days or times that Senator Chmielewski will commit to attending, I must receive that commitment in writing before 3 p.m. this Friday, June 14. Failure of the Senator to commit by then to attending these meetings will be taken to me that he is refusing to cooperate with the subcommittee.

Next is a letter from Mr. Ryan back to me dated June 12th. It was not received in my office via fax until June 14th and the copy you have is the mailed copy that we received on Monday the 17th wherein Mr. Ryan advises that he is advising Senator Chmielewski not to appear at the subcommittee's proceedings and challenging the legal authority of any committee to meet after the Legislature has adjourned sine die and in particular challenging the authority of this committee to meet.

Next is the check from Pat Chmielewski for $3,543.91.

Then my letter which was sent via fax to Mr. Ryan yesterday, June 18th, requesting again that he and Senator Chmielewski appear here today and presenting the legal authority for the committee to consider its — to continue its proceedings after adjournment sine die based on Minnesota Statutes, section 3.921, which authorizes each standing committee or subcommittee of the Senate to be continued during the interim between sessions of the Legislature to make studies and investigations within its general jurisdiction as directed by the committee on rules and administration of the Senate or by resolution or law and pointing out that Senate Rule 75 creates this subcommittee as a standing subcommittee of the committee on Rules and Administration and that the rule requires this subcommittee to investigate a complaint by a member of the Senate in writing under oath received during a legislative session. This complaint meets those criteria. And in addition, there is the request from Senator Moe, the chair of the Committee on Rules and Administration in December and in April 24th, requesting the subcommittee to take action to determine appropriate disciplinary action against Senator Chmielewski in view of his guilty plea.

And finally is a copy of section 3.921.

As I relayed to you earlier, I did speak by phone with Mr. Ryan this morning and he said that notwithstanding our continued invitation, a repeated invitation to attend, that Senator Chmielewski does not intend to be here and Mr. Ryan will not be here either.

SENATOR REICHGOTT JUNGE: And on that point, if I may ask, is there any member of the public here who wishes to speak on behalf of Senator Chmielewski? There does not appear to be anyone here. Well Mr. Wattson, thank you first of all for a very thorough presentation and many of the documents I have not seen before so this has taken a great deal of work to put this together and I appreciate having this laid out in this fashion and appreciate the work you've put it.

PETER WATTSON: Thank you.

SENATOR REICHGOTT JUNGE: I know it's been a difficult week. At this time I would like to ask, have the committee ask questions if they have any about the presentation. I have several I'd like to just start with and then at that point after that will move into the

deliberations or discussion about what we will decide to do from here.

My first question starts with the investigation report and it has to do with the last page, it's Page 19 of the investigation report and I'd like to focus on the issue regarding the telephone bills being approved by Senator Chmielewski after April of 94. According to the report, it says that starting with April 1994, which of course was a year or so after the phone gate came out, all calls were now reflected on a billing sheet — all calls on the 1-800 number were listed on billing sheets and those sheets then had to be approved by the senators. It also indicated that Senator Chmielewski approved those phone sheets for April, May, and June of 94. The question that I had is were any of the phone calls on those lists approved — that were approved by Senator Chmielewski included in the calls that he was required to pay restitution for to the court?

PETER WATTSON: Madame Chair, yes, I believe so. And the reason I believe that is that those calls were included in the calculation prepared by Art Mills of Ramsey County Probation Services and those were calls that were disputed by Senator Chmielewski when they were arguing over the dollar amount. The judge sided with Mr. Mills and therefore I take it that the calls that did mix business and personal matters or were to family members so that Mr. Mills concluded they were personal the judge agreed notwithstanding Senator Chmielewski's objection.

SENATOR REICHGOTT JUNGE: And, as the report indicates, an examination of the available records for April, May, and June of 1994, show that there were 191 telephone calls made to family members and friends of Senator Chmielewski, which were made using the 1-800 number. So I assume that some of those calls then were those 191 calls that you just referred to.

PETER WATTSON: Madame Chair, yes.

SENATOR REICHGOTT JUNGE: The concern, in my mind here members, is the fact that Senator Chmielewski now was required, as all of us were, to approve the Senate phone bills. We all received lists of our phone calls. He — well, Mr. Wattson, he did sign them, is that correct or maybe I should check that.

PETER WATTSON: Madame Chair, there was some information here and I'm trying to remember where it came from, the investigative report or somewhere else, that the approval of at

least some of those bills in that period was given by the signature not of Senator Chmielewski but of his administrative assistant Tim Michaels. I know that there has been discussion within the Senate about whether that's appropriate for an administrative assistant to be signing the calls and I believe we have concluded that it is not appropriate and I don't believe Mr. Michaels or other AA's are now approving Senator's phone bills.

SENATOR REICHGOTT JUNGE: But was there a responsibility by the Senator to review that phone bill?

PETER WATTSON: Madame Chair, the statute says each Representative, Senator, etc., shall sign the person's monthly long distance telephone bills paid by the state as evidence of the person's approval of each bill. It doesn't say the — each Senator or the Senator's staff person shall sign it. The statute says each Senator shall sign.

SENATOR REICHGOTT JUNGE: So we have one of two things that occurred here then, if I'm correct. Number one is Senator Chmielewski signed the bill with — which contained phone calls that were later found by the judge not to be Senate business because the restitution was required or two someone else other than Senator Chmielewski signed the bills.

PETER WATTSON: Madame Chair, yes.

SENATOR REICHGOTT JUNGE: So either one of those is simply not appropriate. Did that end then in June of 1994 or do we have any further records after that?

PETER WATTSON: Madame Chair, you'll recall the letter from Senator Chmielewski to Pat Flahaven from was it March of 1996 where he raises that issue and says, "On my phone bill for December 1995, I have calls to and from some of the same people for which I have been asked to make restitution. I don't feel I can approve this bill including those calls in light of what's happened to me in the criminal action." What I don't know is whether as a result of those — that communication to Mr. Flahaven he ended up signing the bill or not signing the bill. I don't know what happened as a result of that but I know it was a continuing issue up until at least December of 1995. I should, perhaps, at this point bring up Senator Chmielewski's defense. The argument that he and Mr. Ryan had made about those calls or an additional point that they had made which is that during this period of the spring of '94 and since, Senator Chmielewski has

had substantial bills on his home residence telephone and Mr. Ryan has made the argument to me that this shows that Senator Chmielewski was careful to sort out the personal calls from the Senate calls because even though he has a substantial bill for Senate calls he also has a substantial bill for personal calls and if he is going to the trouble to sort them out in that way why wouldn't one conclude that his allocation of the calls to personal vs. Senate is appropriate. It's not as though he was charging all of his calls to the Senate.

SENATOR REICHGOTT JUNGE: Now in the previous proceeding that we had here on phone bills, it seems to me there are several — well, how does, in your view, how does this compare in scope, for example, to some — to the earlier proceeding?

PETER WATTSON: Madame Chair, with regard to Senator Solon, are you referring to? Remembering those dollar amounts, wasn't it $2,400 and some dollars in one case and $3,000 or so in another case. Each of the two cases I think was less than this but the two Solon cases combined I think would be a little bit more than this. Senator Frederickson looks like he remembers the dollar amounts but my recollection is that the total of the Solon was in the neighborhood of $5,000 whereas this including Jeffrey's was about $4,700. So it's a little bit less than Solon.

SENATOR REICHGOTT JUNGE: But this then apparently continued further into 1994 and there was the approval of the bills and that I think is different from the earlier case where it ended on March of 1993 when the phone gate issue came out.

PETER WATTSON: Madame Chair, that's correct.

SENATOR REICHGOTT JUNGE: All right. Members, any other questions on any of the information? All right. Thank you again. Then at this point I will ask the committee to begin to think about what they want to do with this and in light of what we have heard today. Perhaps the best way to start is to have each committee member give their comments, their reactions, their thoughts, to the record as a whole and your suggestions as to how to proceed. Senator Frederickson.

SENATOR FREDERICKSON: Madame Chair, I don't have many comments to make. What I would say is I think the record is clear and Senator Chmielewski has pled guilty to the

fact that he — that through negligence or failure to oversee the use of the telephone system either through access code or in his office that he mismanaged the Senate's resources that were under his control and he pled guilty to that. I think that's pretty straightforward and we have no evidence, in fact the sworn testimony is to the opposite that he had knowledge that some of his family members were making many calls for which they were not authorized to make and were not Senate business. I guess as to where we go from here I think my suggestion at this point would be that we take it under advisement and review the new material that we have seen for the first time today and perhaps you and I have a discussion of where we should go from here with this.

SENATOR REICHGOTT JUNGE: Senator Terwilliger.

SENATOR TERWILLIGER: Thank you Madame Chair, members of the committee. I think like a lot of people had not fully focused on the public record and certainly hadn't seen much of the public record. But I would like to review for the subcommittee. I think I feel a little more strongly than my colleague Senator Frederickson. First off we were asked last December by two of our colleagues to review this and investigate the conduct of Senator Chmielewski and recommend appropriate discipline and sanctions if we found that appropriate. And we were expected to determine if in fact there was improper conduct which, if you look at Rule 75 includes conduct that violated a rule or administrative policy of the Senate, that violated accepted norms of Senate behavior, betrayed the public trust or tended to bring the Senate into disrepute. And we in good faith proceeded back then in January. Proceeding on when the session started twice postponing due to the health conditions of both Senator Chmielewski and his wife proceeding. Senator Chmielewski's sentencing in court was also postponed as I recall due to health problems. And these postponements then resulted in the Legislature adjourning prior to any meeting with Senator Chmielewski by the subcommittee. He was then invited by the subcommittee, by the majority and minority leader in a joint letter to sit down with the subcommittee and discuss this matter. Repeatedly, Senator Chmielewski and his attorney have stonewalled the process, if you want to use a frank term, and they have maneuvered to attempt to avoid sitting down and confronting the facts. I think when you listen to the public record here as

it's detailed out, the new things, I think it's clear that there are many holes in this whole thing. That it gives a really an improper appearance of conduct by someone. I think it — that repeatedly it's obvious that the access code was given to members of Senator Chmielewski's family. Repeatedly they were used for improper purposes such as dealing with gambling business, such as dealing with other matters, which were personal in nature and even it appears that calls that were made following all the discovery and public outcry over phone gate were still verified, it appears, to have been made for personal purposes and to me it just absolutely smacks of arrogance and appearance above the law and I think it's been a whole series of things in here that almost question credibility and the good faith of Senator Chmielewski. And I see things in here such as a letter sent to New Jersey in 1970 some stationary that implies that a member in good standing of this body is standing behind some entity when in fact I recall another similar situation in our colleague from Duluth that used a letter and he was roundly criticized for this and so even if this is not his letter, then where did it come from if it is then he certainly — that was inappropriate. I guess, in short, I believe that we should move as quickly as possible to state by this subcommittee to the Rules Committee to the full Rules Committee that Senator Chmielewski was given ample opportunity to be forthright about his conduct and he failed to respond in good faith to the subcommittee and with other members of the Senate and I believe that we have no choice but to go forward to the rules committee with the strongest possible recommendation for sanction or reprimand. I would have to go back and look at the rules, but I feel it has really been very inappropriately stonewalled by Senator Chmielewski and I don't think that we should allow this to continue on and I don't think we should allow it to send a signal to other members of the Senate that they can by maneuvering avoid direct response from this committee if we're going to expect it to work. A rather strong statement but I feel strongly about it Madame Chair.

SENATOR REICHGOTT JUNGE: Thank you Senator Terwilliger. Senator Novak.

SENATOR NOVAK: Well, Madame Chair, I guess my feelings about it would be closer to how I think I'm interpreting Senator Frederickson's. For me what it rides on are a couple of things. One, we have sworn statements that seem to say that Senator Chmielewski was not aware of the extensive improper use of the phone system by his son. That's either truthful or it isn't,

but it is a sworn statement and in most legal proceedings it would be my understanding that that should carry some significant weight unless it can be proven otherwise. Secondly, the total amount of money involved, what kind of an adjective you apply to that I guess depends on your point of view, but it clearly is in violation, however, the total amount of money that's involved is significant. A majority of that were calls made by relatives not Senator Chmielewski for which he claims not to have knowledge and in terms of the harm done to the public at this point in time strictly on a financial from a financial standpoint, I believe in the questions that I asked, the answer I got and then also the answer I got from the Judge is that from a legal standpoint those have been repaid. On the issue of arrogance and Senator Chmielewski's response to these proceedings. Again, I guess it comes down to how you view the person or how you view the process or how you view the circumstances of this case. He claimed to want to delay this process at the beginning of the legislative session because of health concerns related to this wife and then health concerns related to himself. I believe the facts show that he did in fact have a heart attack, which I think has been established by various types of medical documents and so I doubt whether that was faked. I would agree that it would have been nice to handle this case during that sequence of time but the committee was asked not to for a variety of reasons, most of them related to the health issues of Senator Chmielewski, his wife, and as I recall also the judge and we agreed not to do that for those reasons. So, I guess I would prefer to reflect on this and I would clearly prefer not to rush to judgment.

SENATOR REICHGOTT JUNGE: Thank you Senator Novak. I'm going to divide my comments between the process and then the substance. Regarding the process. One of the things that I think was the most positive parts of this process, if there are positive parts, is that we have had, in the past, a good and fair process in trying to deal with the complaints that have come before us. We have worked together in coming to resolution and our conclusions have been supported by the Senate. We have taken all steps in our process to give due process to the members who have appeared before us. We have never before been challenged by anyone as to whether or not they have been provided due process. In fact, in all cases, I believe they have respected that the authority of this subcommittee and have indeed respected the fact that we have

given them all due process. That is how this committee operates, it's how it operated then, it's how it continues to operate. The recent actions of Senator Chmielewski in trying to avoid coming before the subcommittee voluntarily have been disturbing to me in that no other member has ever done that and all of them have respected the authority of the subcommittee. All that we wanted to do here, and I still would like to do, is issue an invitation to Senator Chmielewski to come and respond to the record. I think there are a number of issues in the record that beg questions.

And now I'm going to get to some of the substance areas that I have concerns about. I would very much like to ask Senator Chmielewski and/or his family members certain questions that trouble me. The first question is, how did Jeffrey Chmielewski get the code three different times including one time within 48 hours of the change? Credibility issues are raised in the record by the fact that he was not truthful with the investigator at first and then changed his mind. I have severe concerns about that. I don't know how somebody can just find this code just like that on three different occasions. I have concerns about other things in the record. Patricia Devitt said in the investigation report that at one time that she never gave her husband Scott the code. That she made all the calls on Scott's line from the Ceridian Corporation. The substance or the investigative report then goes on to contradict that. And, indeed, there were a number of calls made from Scott Devitt's line even after Mrs. Devitt went on disability leave and was no longer employed at Ceridian. There was a call to Mrs. Harrison, MaryLou Harrison, stated in the record that talked about whether or not — there was a call by Senator Chmielewski to Mrs. Harrsion saying that she should have some reasons for making the calls on the Senate number. There are calls in the record that were made on Christmas Eve that can't possibly be on Senate business. With all due respect we work hard around here but I certainly hope no-one is making Senate business calls on Christmas Eve. Some of the calls in the record are very lengthy. They talk about calls that are two hours in length, an hour-and-a-half in length. The problem that I see here throughout all of the information that we're given is there just appears to be a consistent disregard, a consistent pattern of disregard for the use of the number. One relative would give it to another. One relative would give it to other people, business partners. One

relative would use it for a gambling business and business associates. They would make calls as far away as the North Pole, Alaska. I mean, if there was indeed any admonishment given by the Senator, it was totally ignored within the family. In fact, if anything, it just appeared that there was a sense of disregard for the value of the number or what it was to be used for. Those are the things I see coming out of the written record. Those are the things that trouble me particularly about this. Last point is the fact that Senator Chmielewski and/or his aide affirmatively approved the calls that were being made in the early months of 1994, and then the court making a finding that some of those calls were indeed not Senate business. I don't know how to resolve these inconsistencies. I want very much to have at least Senator Chmielewski before this committee so he can give his side of the story. I would like to hear from some of the family members involved. I want to give them a fair chance to respond to what has been a fairly thorough investigation by the Ramsey County Attorney. We don't have him here. We don't have them here and I suspect in all honesty that if we subpoenaed or issued subpoenas that we would find ourselves facing motions to quash and an extended process into the courts and I don't know that I'm willing to do that when he has had opportunity to voluntarily appear and has declined. So, members, I'm probably leaning more towards Senator Terwilliger's view on this, but I also am respectful of the practicality of the process and what we can accomplish and perhaps the best thing to do is to take the record under advisement, determine, think about it, determine what might be the best way to proceed.

SENATOR NOVAK: Madame Chair.

SENATOR REICHGOTT JUNGE: Senator Novak.

SENATOR NOVAK: Maybe it would be helpful for those following this proceeding and possibly the members themselves to just briefly have you or the counsel recite categories of information that has been made public today for the first time that wasn't previously made public about this case. The reason I say that is that apparently it's the case that Senator Chmielewski is actively considering running again for the Senate. And if there is any dispute at all about the degree to which things have been done wrong, there's a lot of evidence in real life terms, that election processes tend to bring these things out. Specifically, in terms of the context of each of

our legal groups of constituents who have the opportunity to vote on these things and I would expect that those things would be fully aired and I think maybe the value of this hearing, if it turns out that we end up having a lot of questions about how to proceed, would be the new information that was brought you might say to the public desk here for anybody who's interested to examine and use how they might wish to over the succeeding months. And I'm interested -- maybe just have a brief summary of what the new public information is that was brought forth.

SENATOR REICHGOTT JUNGE: Senator Novak, I would suggest that the transcript of this hearing would be the new public information. While some of these documents were available at the Ramsey County Court, I'm not sure that the public would normally access them there. So, while they are public in that sense, I think perhaps we have, by our hearing today, raised questions and issues and comments and made the documents more accessible to the public. But I will certainly have Senator, Mr. Wattson respond.

PETER WATTSON: Madame Chair and Senator Novak, the two primary documents that are new are the transcripts of the proceeding, the court proceedings, first with the sentencing of Senator Chmielewski April 22nd. That transcript was prepared at the request of the subcommittee and was just completed very recently. And the second is the transcript of Jeffrey Chmielewski's guilty plea proceedings April 29th. That too was prepared at the request of the subcommittee and was just completed and provided to me today. So that is all brand new. Although anybody who was present in court at the time would have been able to hear what went on.

SENATOR NOVAK: Well, Madame Chair, the reason I bring this —

SENATOR REICHGOTT JUNGE: Senator Novak.

SENATOR NOVAK: — the reason I bring this up is that in many ways I also share your frustration that Senator Chmielewski was not able to appear before the committee during the regular session of Legislature because of health reasons and now for whatever reason has chosen not to appear at this hearing. On the other hand, if the issue is getting all of the facts out and having some responsible way to come to an ultimate judgment it's my guess that he will end up having to discuss the details of this case probably in a variety of ways over the next several

months and if the value of this hearing was to — if the value of this hearing was not to necessarily provide new information, although there is a couple of examples of things that were provided that are new, but maybe the value of the hearing was to provide a structure or format from which other people can access information from which to make judgments and in the interplay of very public discussions that I'm sure will go on over the next five or six months, we'll hear his response to different things and the judges who will ultimately decide on this possibly are the 70,000 or so constituents that live in that district. I'm sure that his views on this and his arguments or defense of his actions will be fully tested, it appears now it will be fully contested in two courts. One will be the primary and if he survives that the general election, and if anything is discovered that formulates a consensus of opinion, one way or the other, I'm sure that that will lead sort of the public court in one conclusive direction or the other. I may be wrong but I don't think I am and I understand these situations are not identical but I believe we did have one case earlier this year where the Senator involved chose not to appear before the committee, Senator Chandler. Circumstances were somewhat different, but, you know, that was an option that people did have. Now, I realize there were some differences and they may in fact be important but I think Senator Chandler did choose that route.

SENATOR REICHGOTT JUNGE: Yes, Senator — Senator Frederickson.

SENATOR FREDERICKSON: Madame Chair, Senator Novak, if I recall though, Senator Chandler told us that if we wanted him before the committee he would come. It was his choice and we chose not to request that he be here, and that isn't the case with Senator Chmielewski. I think all of us would very much have liked to have had him here today or to have appeared before the committee during session where we could have asked some of the questions that are arising in all of our minds.

SENATOR REICHGOTT JUNGE: I have a question of counsel on sanctions. Are there any — I recognize that we're not able to have the full Senate vote on sanctions at this time. Are there any sanctions that the Rules Committee could act upon separately? One I had thought about was whether there were additional dollars to be paid but through Senator Novak's questioning I think that I'm satisfied that there aren't. But are there any sanctions that you can

think of that the Rules Committee could prove and implement without full vote of the Senate?

PETER WATTSON: Madame Chair, I have wondered about that also and the one sanction I could see, there may be others, but one that I could see that the Rules Committee or the chair of the Rules Committee could impose even without the action of the Senate would be to remove Senator Chmielewski from whatever committees he may be serving on. Under our new rules adopted in 1995, we amended them to authorize the chair of the Committee on Rules and Administration after consultation with the Minority Leader to add or remove members from committees. So that if there were a recommendation from this committee to the Rules Committee and the Rules Committee were to concur, I think the authority would be there to remove Senator Chmielewski from whatever committees he is still serving on.

SENATOR NOVAK: Madame Chair, counsel —

SENATOR REICHGOTT JUNGE: Senator Novak.

SENATOR NOVAK: On that point, what was the new rule we passed last year related to the powers of the majority leader referencing his ability to make those very kinds of decisions?

PETER WATTSON: Madame Chair, Senator Novak, that's the rule that I'm referring to.

SENATOR NOVAK: Does it take —

PETER WATTSON: I don't recall whether we did that in 95 or 96.

SENATOR NOVAK: Does it take affirmation of the full Rules Committee?

PETER WATTSON: No.

SENATOR NOVAK: Then he could just do it?

PETER WATTSON: Yes.

SENATOR NOVAK: So couldn't he just do that now?

PETER WATTSON: Madame Chair, Senator Novak I think he could do that now but if we are wondering what action could be taken pursuant to a recommendation of the subcommittee I think that is one that could follow the recommendation of the subcommittee.

SENATOR NOVAK: I don't want to make light of this but I wonder if we've ever had a Senator without portfolio.

SENATOR REICHGOTT JUNGE: You know, I wonder about that. If he was not a

member of committees there aren't really committees meeting between now and November so, I'm not sure what the practical effect of that is except maybe it just makes a statement as to how we feel about the matter. That would actually be a recommendation to the Majority Leader then I would think rather than Rules Committee. Mr. Wattson.

PETER WATTSON: Madame Chair, there was one other sanction that came to mind after Senator Chmielewski had informed you that he couldn't be here on a particular date, I don't recall which date it was, but he couldn't be there on that suggested date because he was going to be in Washington on Senate business. Well, if the chairman of the Rules Committee is currently approving Senator Chmielewski's travel to Washington on Senate business, maybe the subcommittee would want to recommend that he not do a lot more traveling on Senate business during the rest of the interim.

SENATOR REICHGOTT JUNGE: I had forgotten that. Senator Chmielewski had informed that he would be in Washington all of this week and I wonder if he is, if he chose to go.

SENATOR FREDERICKSON: Madame Chair.

SENATOR REICHGOTT JUNGE: Senator Frederickson.

SENATOR FREDERICKSON: It would — the question I have is could we deny Senator Chmielewski any reimbursement for expenses in-district mileage, telephone expense, interim housing. Is that authority that rests within the Rules and Administration Committee?

SENATOR REICHGOTT JUNGE: Mr. Wattson.

PETER WATTSON: Madame Chair, Senator Frederickson, those policies under the statute are set by the committee on Rules and Administration. I'm not aware that the Rules Committee has ever singled out a member to say that the policy for that member was different from anyone else, but that would be new ground to plow perhaps.

SENATOR REICHGOTT JUNGE: Is that not really — is that a policy Mr. Wattson or is that more of a privilege that you get your phone bills paid and —

PETER WATTSON: Madame Chair, what the Rules Committee does is adopt a set of policies on reimbursement at the first rules committee meeting of the interim that says how much people will be reimbursed for what kinds of expenses. It talks about the housing allowance, the

in-district mileage allowance, the telephone allowance, and so forth. That's all set by the Rules Committee under the statute.

SENATOR NOVAK: The issue I would raise on that Madame Chair —

SENATOR REICHGOTT JUNGE: Senator Novak.

SENATOR NOVAK: — would probably in two different categories would be — these seem to be issues that are being discussed relative to punishments of Senator Chmielewski. The larger issue, it seems to me, as an example related to committee memberships would be whether or not we would be punishing the 70,000 constituents of District 8 if we took the committee memberships away from their elected senator. Now that may be a very different issue than say taking away reimbursements personally for expenses. And the course of presumably doing the business to represent those constituents but I think I would — and I think taking away committee memberships is significantly different than some of the penalties that were imposed earlier by taking away certain leadership positions. Memberships of committee as a member of the Legislature is a fairly significant part of what people are elected to do and the course of actually doing the business of the Senate presumably representing the residents of District X. I mean, I guess if we seriously consider that kind of a sanction, I would like an opinion on that from counsel in terms of rights and — rights of citizens and constituents to be duly represented on an equal basis. I think that usually, generally questions could legitimately be raised in the context of taking away membership of committees where I don't think it can be raised relative to certain types of extraordinary responsibilities like chairmanships or very possibly compensation for personal costs in the conduct of doing business. In other words, my point is I think we should be somewhat careful about who or what it is we're punishing if that's in fact what we're talking about.

SENATOR REICHGOTT JUNGE: Mr. Wattson.

PETER WATTSON: Madame Chair, if you're looking for a monetary punishment rather than removal of his ability to participate in Senate proceedings, maybe there is something that could be done with telephone allowance. There is a telephone allowance, $100 a month, during the interim for which all members are now eligible. Perhaps that allowance could be denied to

him for a certain number of months. There's the use of the Senate telephone system to make long distance calls. Each member, I believe, now has a personal access code and it would be of a financial penalty to him to deny him the use of the Senate system to make his business calls. That would have some impact perhaps on his constituents if he could not communicate with them in the way that he would like to be able to and so maybe that's not quite as clean as a denial of other reimbursement.

SENATOR REICHGOTT JUNGE: Is there a way that we could require a special accounting of the calls that he makes? A more detailed accounting as to the purpose of each call, respecting the confidentiality of constituents?

SENATOR NOVAK: Well, Madame Chair —

SENATOR REICHGOTT JUNGE: Senator Novak.

SENATOR NOVAK: — I would presume that that's happening in real life today. It would be pretty amazing if it wasn't, but —

PETER WATTSON: Madame Chair.

SENATOR REICHGOTT JUNGE: Mr. Wattson.

PETER WATTSON: You have the general concept of equal protection of the laws except as punishment for a crime. There might be something the subcommittee could do to require more supervision of his use of the telephone system. Respecting the right of the member to communicate in confidence with constituents but still providing some better accounting for the calls, maybe there's something that could be done.

SENATOR FREDERICKSON: Madame Chair.

SENATOR REICHGOTT JUNGE: Senator Frederickson.

SENATOR FREDERICKSON: But anybody can go to our telephone records now and look and see what numbers we called and you know with a reverse index find out who it is. So that's public information now.

SENATOR NOVAK: There's not — Madame Chair — there's not much left around this building that isn't pretty wide open to the world at this point.

SENATOR TERWILLIGER: Madame Chair, unless it's not a toll call. There's no way

to trace it if they're not toll calls.

SENATOR FREDERICKSON: Madame Chair, Senator Terwilliger, but that's a privilege that just you metro folks have. In the rural areas all of ours are toll calls.

SENATOR TERWILLIGER: I understand, that's why I point it out.

SENATOR REICHGOTT JUNGE: Well, are there any other options here? I guess we probably should talk about the traditional sanctions that we've had and that is reprimand, censure, and the possibility of expulsion. Counsel, it seems to me that we are, with your opinion here of June 18th, that we are on pretty safe ground jurisdictionally to hold this hearing today. I suspect that changes if we take action like making a recommendation or sanction or something that that's something that possibly could be challenged. Would you say that's the case or not?

PETER WATTSON: Madame Chair, assuming that any action that the committee would take would simply be to formulate a recommendation to the Rules Committee and that nothing would happen without a meeting of the Rules Committee and action by the Rules Committee, no, I don't think there is a significant change because it still requires that Rules Committee action.

SENATOR REICHGOTT JUNGE: So you don't think we would be out of our authority at this time to make a recommendation?

PETER WATTSON: Madame Chair, what the statute talks about is studies and investigations and I take it the purpose of those studies and investigations such as this one is to gather information and make recommendations. The committees don't have the authority to take any final action on a bill during the interim, they make recommendations to the following session. This subcommittee doesn't have authority to impose any discipline on anyone. But it seems to me it has authority to make a recommendation to the Rules Committee to use whatever authority the Rules Committee might have. The most powerful sanctions are the ones that could be imposed by the full Senate such as expulsion or censure or reprimand. Those are not available at this time.

SENATOR REICHGOTT JUNGE: So it doesn't make any sense to recommend those to the Rules Committee because they just don't go anywhere.

PETER WATTSON: They can't do anything about it.

SENATOR TERWILLIGER: Madame Chair.

SENATOR REICHGOTT JUNGE: Senator Terwilliger.

SENATOR TERWILLIGER: I don't — I understand we're not in session so I understand that expulsion is obviously is not an option but it would seem to me that there still could be a recommendation for censure, reprimand from this subcommittee to the Rules Committee recommending that the Rules Committee do hereby censure, reprimand, or whatever form they want to take it. I don't understand why that wouldn't still be available to this subcommittee. I mean it's a question I have, I'm not making that as a motion, I'm raising it as a question to counsel.

PETER WATTSON: Madame Chair —

SENATOR REICHGOTT JUNGE: Mr. Wattson.

PETER WATTSON: Senator Terwilliger, I would agree. I would think that the Rules —

SENATOR TERWILLIGER: Okay.

PETER WATTSON: — Committee could impose a censure or a reprimand. It doesn't have the same force as if it would come from the entire Senate —

SENATOR TERWILLIGER: I understand.

SENATOR REICHGOTT JUNGE: Chief Justice Sheran, just wanted to see if you had any comments about the proceedings, part of this deliberation, any thoughts as to how we might proceed?

CHIEF JUSTICE SHERAN: Well, I have a couple of observations. In responding to Senator Novak's question on whether or not a check tendered pursuant to a court order which is actually a check executed by one's wife, my almost immediate reaction to that would be that the judge would feel that if he could borrow the money from his wife, he could use her check to pay the obligation, assuming that it was a separate account. I've reflected on that further and I really end up that way, and I don't think it would be good judgment to let the action of this committee turn on whether the check is signed by the wife or by the husband because there are, in my view of it at least, a lot more really significant and serious things involved here. Secondly, it seems to me that things that are admitted in the record as it appears here are matters of serious

consequence. There is a dispute of course as to whether Senator Chmielewski knew of the use or the extent of the use of these cards but even setting that aside, things that are admitted or are readily to be inferred from this record make this more than just a trivial case. Also, I think that in your reflections some consideration should be given to the failure of the Senator to appear even though it seems quite clear that he was fully notified of the purpose of the meeting and urged to attend and it seems to me that in a situation where the Senate of which he was a member apparently enacted this law that gives subcommittees such as this authority to proceed to have been a member of a body that adopts that and then to simply refuse to appear when urged to do so adds a dimension to the case that needs to be considered and in that connection, in my thinking, it's important to bear in mind that these hearings are not simply for assembling evidence against a member of the Senate who is charged with malfeasance but they are also intended, at considerable effort on the part of the people involved, to give the Senator who is charged with malfeasance an opportunity to clear the record to present in person his side of the story. So I can't help but feel that the failure to appear here has some real significance and I was gratified to hear the chair person's, chairwoman's suggestion that the invitation to the Senator be repeated. That a — it's hard for me to believe that the invitation to come here would have been declined in a manner in which it was. If the Senator had reflected seriously on the implications of that course of action so if you would find it in your reflections on this possible to give still another opportunity to appear and then if — if then the Senator were not to appear I think the inferences to be drawn from that would be really quite serious. But other than that, I don't have any thoughts, and I want to repeat as I've said before that these are — you've asked me for my reaction and I've given them but I'm very much aware of the fact that it's not appropriate for a person in my status to be urging or recommending or pressing any member of this committee to do anything and I don't intend to do that.

SENATOR REICHGOTT JUNGE: No, and that has been clear, Justice Sheran, throughout our proceedings on this matter and others. We make those recommendations but your advice has been valued. Senator Frederickson.

SENATOR FREDERICKSON: Madame Chair, something that you and I have discussed

before is the possibility of issuing a subpoena. Is that something we should consider?

SENATOR NOVAK: Senator Frederickson, I didn't hear your statement.

SENATOR FREDERICKSON: Madame Chair, Senator Novak, something that the chair and I have discussed is the possibility of issuing subpoenas to Senator Chmielewski and maybe additional members of his family. That is one way we could get the Senator and others before us to ask them questions. The question in my mind is that something we want to pursue or would we — is it the sense of you and Senator Terwilliger that we should base our recommendation on the written record that was presented to us today? I am quite confident that we would be challenged in court if we did issue subpoenas. I'm not saying that that's a reason we should not but something we should be aware of.

SENATOR REICHGOTT JUNGE: You know, we're walking into some real precedent here and that's a concern of mine. I just want to make sure that we do it carefully if we do that. The precedent has been up to now that every member is invited to appear. They have done so. That's how I like to operate and I think that's how we like to operate, that they've done so voluntarily. The idea of issuing a subpoena of one of our own members, I mean I think it's clear in the public record that he has not come. Justice Sheran has suggested we do one more invitation. Maybe that's the way to do it. To issue another — to issue a subpoena of one of our members I think boy, I'm just troubled by the potential precedent that may affect cases in the future when people cannot appear for various reasons or might somehow impact their criminal proceeding or something like that and I'm just trying to think that through. I mean I'm troubled by the notion of subpoenaing a member even though, as much as he has caused us difficulty in cooperating, I think the record is pretty clear as to what has happened. Senator Terwilliger.

SENATOR TERWILLIGER: Yes, Madame Chair, I was — I tend to agree with that and I would submit that we give, that it would be worth our while to make one more effort to invite Senator Chmielewski and whoever else he would like to have appear with him, his family members and counsel if that be who he feels appropriate to have himself surrounded by. To again, reschedule, reinvite, bring him in in the very near future. Making him aware of what the discussion has been to date, what the public record is today. Give him that opportunity. Then, if

signify by saying "Aye."

SENATORS NOVAK, FREDERICKSON, AND TERWILLIGER: "Aye."

SENATOR REICHGOTT JUNGE: Opposed say "No." The motion does prevail. (gavel is sounded) Thank you committee members for your patience today. I want to thank Justice Sheran very much for your advice and counsel. Thank you again. And the meeting is adjourned.

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 Florian Chmielewski.

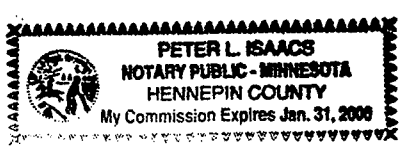
Christine A. Grover

Christine A. Grover

DATED: June 26, 1996.

Subscribed and sworn to before me this 26 day of June, 1996.

Peter L. Isaacs



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JO ANNE ZOFF SELLNER
DIRECTOR

Senate

State of Minnesota

June 25, 1996

Thomas J. Ryan
Attorney at Law
25 N.E. Eighth Avenue
Pine City, MN 55063

Sent via fax: 612/629-3016

Subj: Senator Florian Chmielewski

Dear Mr. Ryan:

I have received from Senator Chmielewski a letter declining the Subcommittee's invitation to appear at its next meeting, tentatively scheduled for this Thursday, June 27. The purpose of this letter is to notify you and the Senator that the Subcommittee will meet on that day, beginning at 9:00 a.m. in Room 15 of the Capitol, whether you attend or not.

I am enclosing a draft of findings of fact that I have prepared for the Subcommittee to consider at that meeting. You will see that it is not as favorable to Senator Chmielewski as the draft you and I were attempting to negotiate.

Should Senator Chmielewski change his mind and elect to participate in the proceedings, his presence will be welcomed by the Subcommittee.

Sincerely,

Peter S. Wattson
Senate Counsel

PSW:ph
Enclosure

cc: Senator Ember Reichgott Junge
Senator Dennis R. Frederickson
Senator Steven G. Novak
Senator Roy W. Terwilliger
Justice Robert J. Sheran
Justice Douglas K. Amdahl
Senator Roger D. Moe
Senator Dean Elton Johnson
Senator Thomas M. Neuville

DRAFT 6-25-96

A resolution relating to ethical conduct; conduct of Senator Florian Chmielewski.

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

1. Florian Chmielewski was first elected to the Minnesota Senate in 1970. He was reelected in 1972, 1976, 1980, 1982, 1986, 1990, and 1992. He currently represents District 8.
2. Senator Chmielewski used the Senate's long-distance telephone access code to call Duane Warchol, a member of Senator Chmielewski's polka band for over seven years. Mr. Warchol says the calls were related to the polka band, not Senate business. Senator Chmielewski says the calls were related to a workers compensation claim Mr. Warchol had because of a back injury.
3. Senator Chmielewski provided the Senate's long-distance telephone access code to his wife, Patricia Stolquist Chmielewski.
    a. Patricia Stolquist Chmielewski gave the Senate's access code to her sister, Marylou Harrison, in or around December 1990. Marylou Harrison resides in Duluth, Minnesota.
    b. After her mother died in April 1991, Marylou Harrison used the Senate's access code to call another sister in Vacaville, California, two sons in Dayton, Ohio, and cousins in Menomonie Falls and Waukesha, Wisconsin.
    c. After the Senate's access code was changed, effective August 1, 1992, Patricia Stolquist Chmielewski gave the new access code to Marylou Harrison.
    d. Marylou Harrison used the Senate's access code to call her brother, Terry Stolquist, in Mora, Minnesota, and her sister, Patricia Stolquist Chmielewski, in Sturgeon Lake, Minnesota. Patricia Chmielewski was the main person she called.
    e. None of the calls Marylou Harrison charged to the Senate were on Senate business.
4. Senator Chmielewski does not know how his son, Florian Chmielewski, Jr., obtained the Senate's long-distance telephone access code. Florian Chmielewski, Jr. used the Senate's access code to make calls from Mesa, Arizona, and Las Vegas, Nevada to Steve Peterson, Elk River, Minnesota, with whom he had worked on sheet rock jobs. The calls were to discuss sheet rock jobs, not Senate business.
5. Senator Chmielewski provided the Senate's long-distance telephone access code to his son, Mark Chmielewski.
    a. Mark Chmielewski used the Senate's long-distance telephone access code to call Duane Warchol, a member of Senator Chmielewski's polka band for over seven years. The calls were related to the polka band, not Senate business.
    b. Mark used the Senate's long-distance telephone access code to call his wife's relatives in North Pole, Alaska, 13 times between February 23, 1992 and March 8, 1993. Twelve of the calls were made from the home of Mark Chmielewski and one of the calls was made from the home of Mark's sister-in-law, Leona Jurek. The calls were not on Senate business.
6. Senator Chmielewski provided the Senate's long-distance telephone access code to his

daughter, Patricia Chmielewski Devitt.

a. Patricia Devitt says she used the Senate's long-distance telephone access code to make calls to directory assistance in New York; to Buy Rite, a mail order house in New York; and to Camera World in Portland, Oregon. The calls were not on Senate business.

b. Patricia Devitt says she used the Senate access number to call her brother-in-law, Mark Devitt, in Vancouver, British Columbia, at a cost of over $100. The calls were not on Senate business.

(1) In May 1992, two calls from the home of Patricia Devitt to the home of Mark Devitt, were charged to the Senate. Patricia Devitt told investigators the calls were made by Senator Chmielewski at her request.

(2) On Christmas Eve, 1992, a call from the home of Maurice J. Devitt, Patricia Devitt's father-in-law, to the home of Mark Devitt was charged to the Senate.

(3) On March 7, 1993, a call from the home of Patricia Devitt to Mark Devitt, charged to the Senate, lasted for two hours and 29 minutes.

c. On December 7, 1994, when questioned by investigators from the Ramsey County Attorney's Office, Patricia Devitt denied giving the Senate's access code to her husband, Scott Devitt.

7. Senator Chmielewski's son, Jeffrey Chmielewski, repeatedly learned how to access the Senate's long-distance telephone system.

a. Each time the Senate changed its access procedure, Jeffrey Chmielewski obtained the new access code. This occurred at least three times.

(1) Jeffrey Chmielewski told investigators he began charging his personal calls to the Senate before May 1, 1991, at a time when access was controlled by a state operator. He identified himself as calling from Senator Chmielewski's office and the calls were charged to the Senate. On May 1, 1991, the Senate discontinued use of the operator system and began using an access code.

(2) In June or July 1991, Jeffrey Chmielewski gave the Senate access code to Loren Dolash, his partner in "The Gambler," a business that bought and sold used slot machines. Both Jeffrey Chmielewski and Loren Dolash charged calls related to "The Gambler" to the Senate.

(3) On August 1, 1992, the Senate added a barrier code to the access code. On August 3, 1992, a telephone call from "The Gambler" was charged to the Senate using the new barrier code.

(4) The barrier code was changed on January 1, 1993. On January 7, 1993, telephone calls made from "The Gambler" were charged to the Senate using the new barrier code.

(5) Jeffrey Chmielewski continued using the Senate's access code and barrier code until as late as March 1993.

b. Senator Chmielewski told investigators he did not ask his son how he got the

Senate access code and barrier code because "he doesn't like to discuss this because this is something that is not a very positive aspect to discuss, so he's very quiet about the whole issue."

c. Jeffrey Chmielewski told investigators he copied the access code for the Senate telephone system when he saw it lying on a table in his home during a time his father was visiting him.

d. Jeffrey Chmielewski used the Senate's long-distance telephone access code to make calls on various personal matters, not related to Senate business, such as to his girl friend, Jennifer Griep, in Maple Grove, Minnesota; to a building contractor in Brooklyn Park who had sold him a home; and to Sexter Realty, in Crystal, Minnesota, which had sold him an apartment building.

e. Jeffrey Chmielewski used the Senate's long-distance telephone access code to make numerous calls related to the "Chmielewski Fun Time" band, of which Jeffrey Chmielewski was the proprietor. Senator Chmielewski was not involved in the management or booking of the band, and only played as a member of the band on an irregular basis. The calls were not related to Senate business. The calls were as follows:

(1) Calls to Duane Warchol, a member of the "Chmielewski Fun Time" band for over seven years.

(2) Calls to Mrs. Marv Nissel of New Ulm, Minnesota, a member of another polka band with whom the Chmielewski Fun Time band had played at polka festivals.

(3) Calls to Lorren Lindevig of Cloquet, Minnesota, who has known the Chmielewski family for many years and has played accordion for the Chmielewski Fun Time band on a number of occasions.

f. Jeffrey Chmielewski used the Senate's long-distance telephone access code to make numerous calls related to his business that bought and sold used slot machines, known as "The Gambler, L.J."

(1) "The Gambler, L.J." was owned by Loran Dolash and Jeffrey Chmielewski.

(2) Between December 1991 and February 29, 1992, 280 calls charged to the Senate were made from Jeffrey Chmielewski's home telephone in Maple Grove, Minnesota, and from his place of business at "The Gambler." Some of these calls were made to slot machine businesses in Las Vegas and Reno, Nevada; Tuckertown and Pleasantville, New Jersey; and Keshena, Green Bay, and West Bend, Wisconsin.

(3) Between December 1991 and February 29, 1992, 24 calls charged to the Senate were made from Mesa, Arizona, and Las Vegas, Nevada, while Jeffrey Chmielewski and the Chmielewski band were staying and playing in those locations. Some of the calls were made to slot machine businesses in Reno and Las Vegas, Nevada; to "The Gambler;" and to Loran Dolash, his partner.

(4) In March 1992, when Jeffrey Chmielewski was in Denver, Colorado, with the Chmielewski polka band, over 60 calls from the Denver area to various locations, including many of the slot machine businesses called from The Gambler's place of business, were charged to the Senate.

(5) Calls charged to the Senate included calls to Fidelity Freight Forwarding, in Minneapolis and St. Paul, which had transported slot machines for Jeffrey Chmielewski for four years, mostly from Reno and Las Vegas, Nevada.

(6) Jeffrey Chmielewski also made Gambler-related business calls from his father's house in Sturgeon Lake, Minnesota, to Nevada, and charged them to the Senate.

g. Jeffrey Chmielewski provided the Senate's long-distance telephone access code to Loran Dolash, his partner in "The Gambler."

(1) Jeffrey first gave him the Senate access code in June or July 1991, telling him it was his father's Senate access code and could be used to "save on phone bills."

(2) Jeffrey gave him the Senate access code a second time, in early August 1992, after the access code was changed.

(3) Mr. Dolash used the Senate access code to make over 160 calls from his home between July 1992 and March 1993.

(4) Mr. Dolash's calls were to his relatives in Toledo, Ohio; Cedar Rapids, Iowa; and Amery, Wisconsin.

h. On October 10, 1994, when questioned by investigators from the Ramsey County Attorney's Office about the phone calls made from his home telephone number, The Gambler's telephone number, Denver, Colorado, Mesa, Arizona, and other places and charged to the Senate, Jeffrey Chmielewski began by lying. He denied any knowledge of them or how they could have been charged to the Senate. He denied ever charging any of his business calls to the Senate. On further questioning, he admitted making the calls and charging them to the Senate, and admitted that he had committed a form of theft. He said his action was justified because "a lot of us feel violated by the government" and that the government lied to citizens and did not treat them fairly. He said he used the Senate telephone system to make his business calls because he was very hard up for money when he started his slot machine business and that by charging his telephone calls to the Senate he eliminated a big expense he could not really afford at the time.

i. Jeffrey Chmielewski used his father's Senate position to advance Jeffrey's business interests.

(1) On December 23, 1991, A.C. Coin and Slot Co. of Pleasantville, New Jersey, requested Jeff Chmielewski, c/o The Gambler, to provide it with documentation from the State of Minnesota or information from a legal source stating that he was legally licensed to be a dealer of slot machines.

(2) On December 26, 1991, a letter on Senate letterhead issued to Senator

Chmielewski was mailed to A.C. Coin and Slot Co. stating:
"In response to your concerns, The Gambler L.J. a limited partnership located at 740 Highway 10 N.E., Blaine, Mn., is an accepted and recognized distributor of used gambling equipment and are (sic) in full accordance with all state and federal laws governing such business. They are fully licensed and registered according to the Minnesota Gaming Enforcement Division. You may feel free to engage in any business transactions at this time."
The letter was signed "Florian Chmielewski, President - Minnesota Senate."

(3) Florian Chmielewski was not the President of the Senate, nor was he authorized to write such a letter on behalf of the Senate nor on behalf of the State of Minnesota.

(4) Senator Chmielewski denies any knowledge of the letter before it was raised as part of the Ramsey County Attorney's investigation.

(5) The letter appears to be a forgery.

(a) The letter was written on letterhead issued to Senator Chmielewski in 1973 and not used in his office since 1975 and substantially different from the letterhead used in his office in December 1991.

(b) The letter was printed using a font different from that used by Senator Chmielewski's office in December 1991.

(c) The salutation ends with a comma, rather than with a semicolon as was Senator Chmielewski's standard operating procedure.

(d)

The typed signature is:	rather than his standard:
Senator Florian Chmielewski	FLORIAN CHMIELEWSKI
President-Minnesota Senate	President Pro Tem

(e) The letter does not contain the initials of Senator Chmielewski or his secretary, contrary to his standard operating procedure.

j. On April 29, 1996, before the Honorable Edward S. Wilson, Judge of Ramsey County District Court, Jeffery Chmielewski pleaded guilty to a violation of Minn. Stat. § 609.52, subds. 2 (14)(i) and 3 (4), theft of telecommunications services with a value of more than $200 but not more than $500, a gross misdemeanor.

k. As part of the plea agreement, Jeffrey Chmielewski agreed to pay restitution to the Senate in the amount of $1,141.78.

l. Sentencing was set for July 2, 1996.

8. Bills for Senator Chmielewski's Senate office telephone after April 1, 1994, included calls charged to the Senate's 1-800 number. They were approved by Senator Chmielewski.

9. An examination of available records for April, May, and June 1994 show that there were 191 telephone calls made to family members and friends of Senator Chmielewski that were personal calls illegally charged to the Senate.

10. Senator Chmielewski attempted to obstruct the Ramsey County Attorney's investigation

into the telephone calls that Senator Chmielewski and his family had illegally charged to the Senate.

a. On December 7, 1994, Senator Chmielewski said that all the calls charged to the Senate from Florian, Jr.'s home, from Mark Chmielewski's home, and from Patricia Chmielewski Devitt's home were on Senate business.

b. Also on December 7, 1994, when asked to justify calls from the Hacienda Hotel and Casino in Las Vegas, Nevada in February 1992, when the Chmielewski band was playing in the ballroom there, to Robert Granda of New Hope, Minnesota, Senator Chmielewski identified him as someone who might run a day care center; he did not disclose that Robert Granda was the brother-in-law of his son Mark Chmielewski.

c. On December 8, 1994, the day after Investigator Ralph G. Neumann had interviewed her about the calls, Senator Chmielewski called Marylou Harrison and asked her to fabricate a legitimate reason for the calls she had charged to the Senate.

11. On December 5, 1995, before the Honorable Kenneth J. Fitzpatrick, Judge of Ramsey County District Court, Senator Chmielewski pleaded guilty to a violation of Minn. Stat. § 609.43, Misconduct of a Public Officer, a gross misdemeanor. Sentencing on the conviction was set for January 18, 1996. It was later postponed to February 1, and then to April 22.

12. On December 12, 1995, Senator Chmielewski resigned his positions as chair of the Committee on Transportation and Public Transit and as President Pro Tem of the Senate.

13. Also on December 12, 1995, Senator Roger D. Moe, Chair of the Committee on Rules and Administration, requested the Subcommittee on Ethical Conduct to determine what disciplinary action, if any, was appropriate for the Senate to take against Senator Chmielewski.

14. On December 20, 1995, Senators Dean Elton Johnson and Thomas M. Neuville filed a complaint in writing under oath alleging that Senator Chmielewski had breached his ethical duty to the Minnesota State Senate and the people of Minnesota by misusing his public office and misusing public property, thereby violating an administrative policy of the Senate, violating accepted norms of Senate behavior, betraying the public trust, and bringing the Senate into dishonor or disrepute.

15. On January 5, 1996, Senator Chmielewski requested that the hearing on the complaint, then scheduled for January 9, 1996, be continued. There were three reasons for the request.

a. Senator Chmielewski's wife was scheduled to be released from the hospital that day and needed Senator Chmielewski's care and attention at home.

b. Senator Chmielewski's sentencing had not been completed, and there was a risk that the legislative proceedings might compromise the criminal proceedings.

c. Jeffrey Chmielewski's criminal case was still pending, and there was a risk that the legislative proceedings might compromise it, too.

16. The request for a continuance of the subcommittee's proceedings was granted for an

NOW, THEREFORE,

BE IT RESOLVED, by the Committee on Rules and Administration of the Minnesota State Senate:

1. That the conduct of Senator Florian Chmielewski, in providing the Senate's long-distance telephone access code to various members of his family, who made calls that were not on Senate business, was criminal.
2. That Senator Florian Chmielewski's decision to resign as chair of the Committee on Transportation and Public Transit and as President Pro Tem of the Senate was an appropriate disciplinary action.
3. That the conduct of Senator Florian Chmielewski, both in enabling the Senate's long-distance telephone access code to be used for criminal purposes and in refusing to appear before the Subcommittee on Ethical Conduct to answer questions about his conduct, should be, and hereby is, condemned.
4. That, for the remainder of his term, certain privileges of a member be denied to Senator Florian Chmielewski, as follows:
   a. That he be denied the use of the Senate's 1-800 long-distance telephone system when away from the Capitol.
   b. That he not be reimbursed for telecommunications expenses, unless the request for reimbursement is accompanied by an itemized list that shows the Senate business purpose of each call. The list need not show the name of the person called.
   c. That he be removed from membership on the Committee on Transportation and Public Transit and from membership on the Committee on Jobs, Energy and Community Development.
   d. That he not be reimbursed for lodging expenses.
5. That, if elected to the Senate for a term beginning in January 1997, Senator Florian Chmielewski be deemed, for purposes of organizing the Senate, to be a first-term member.

RULES & ADMINISTRATION SPECIAL SUBCOMMITTEE ON ETHICAL CONDUCT

June 27, 1996
Room 15 Capitol

The subcommittee was called to order at 9:20 a.m.

PRESENT: Senators Frederickson, Novak, Reichgott Junge, Terwilliger

Also present: Former Chief Justice Robert Sheran

Sen. Reichgott Junge; introduction/opening remarks. Presented timeline of complaint, December 1995 to present.

Sen. Frederickson; additional comments.

Peter Wattson, Senate Counsel; presented sanctions not requiring Senate action (attached memo). Explained sanctions not available to the subcommittee (i.e. expulsion, change or loss of salary). Presented findings of fact.

Sen. Frederickson moved to adopt the findings of fact, the standard of clear and convincing evidence being met. The motion passed by voice vote.

Peter Wattson; presented recommended sanctions.

Sen. Terwilliger suggested that item 2 include the fact that Sen. Chmielewski was either removed or resigned from the Rules Committee, and that that was an appropriate disciplinary action.

Sen. Novak moved to amend item 3 to read: "That the conduct of Senator Florian Chmielewski, in enabling the Senate's long-distance telephone access code to be used for criminal purposes, be condemned."

Discussion followed.

Sen. Novak moved to strike item 5.

Discussion followed.

Sen. Novak renewed his motion to amend item 3, further amending the language to read: "That the conduct of Senator Florian Chmielewski, in enabling the Senate's long-distance telephone access code to be used for criminal purposes, should be, and hereby is, condemned."

Sen. Frederickson moved to amend the Novak amendment to item 3 by adding: "Senator Chmielewski's refusal to appear is extremely disappointing and is a deplorable response to the repeated invitations to appear." The motion passed by voice vote.

Sen. Novak moved his amendment to item 3, as amended. The motion passed by voice vote.

Sen. Novak withdrew his amendment to strike item 5.

Sen. Frederickson moved to amend item 5 to read: "That Sen. Florian Chmielewski be deemed, for purposes of interim Senate appointments, a first -term member." The motion passed by voice vote.

Sen. Reichgott Junge; closing remarks.

Sen. Frederickson moved to adopt the sanctions, as amended. The motion passed on a 4-0 roll call vote.

Justice Sheran; closing comments regarding the appropriateness of the sanctions, and his favorable impression of the process. Voiced confidence that due process was served.

The meeting adjourned at 10:45 a.m. The meeting was taped.

Respectfully submitted,

Marcia Seelhoff, Secretary

Sen. Ember Reichgott Junge, Chair

EMBER REICHGOTT JUNGE
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Senate
State of Minnesota

June 27, 1996

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

Subj: Conduct of Senator Florian Chmielewski

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. A complete report, including all materials gathered by the Subcommittee and transcripts of its proceedings, will be forwarded to you within the next week or so.

In January 1996, the Subcommittee had gathered written documentation of Senator Chmielewski's guilty plea and was ready to proceed with a hearing on the complaint on January 9. However, on January 5, Senator Chmielewski requested that the hearing be continued. One of the reasons he gave for the request was that sentencing on his guilty plea to a gross misdemeanor had not been completed, and there was a risk that the legislative proceedings might compromise the criminal proceedings. After the Subcommittee granted his request, he moved the Court to continue the criminal proceedings until after the Legislature had adjourned. Once the Legislature had adjourned, Senator Chmielewski challenged the authority of the Subcommittee to meet following adjournment and refused our repeated requests to appear before us to answer our questions.

The Subcommittee held its first hearing on the complaint June 19, 1996. We reviewed the written records obtained from the court proceedings on his guilty plea and sentencing and on the guilty plea of his son Jeffrey Chmielewski.

Before its second meeting, June 27, 1996, the Subcommittee provided to Senator Chmielewski, through his attorney, Mr. Thomas J. Ryan, copies of all the materials reviewed at the June 19 meeting and a draft of findings of fact prepared by subcommittee counsel. At the meeting the Subcommittee adopted the findings of fact, as amended, and agreed upon appropriate disciplinary action.

After due deliberation, the Subcommittee adopted the enclosed resolution by a unanimous vote.

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

Sincerely,

Ember Reichgott Junge

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 resolution relating to ethical conduct; conduct of Senator Florian Chmielewski.

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

1. Florian Chmielewski was first elected to the Minnesota Senate in 1970. He was reelected in 1972, 1976, 1980, 1982, 1986, 1990, and 1992. He currently represents District 8.
2. Senator Chmielewski used the Senate's long-distance telephone access code to call Duane Warchol, a member of Senator Chmielewski's polka band for over seven years. Mr. Warchol says the calls were related to the polka band, not Senate business. Senator Chmielewski says the calls were related to a workers compensation claim Mr. Warchol had because of a back injury.
3. Senator Chmielewski provided the Senate's long-distance telephone access code to his wife, Patricia Stolquist Chmielewski.
    a. Patricia Stolquist Chmielewski gave the Senate's access code to her sister, Marylou Harrison, in or around December 1990. Marylou Harrison resides in Duluth, Minnesota.
    b. After her mother died in April 1991, Marylou Harrison used the Senate's access code to call another sister in Vacaville, California, two sons in Dayton, Ohio, and cousins in Menomonie Falls and Waukesha, Wisconsin.
    c. After the Senate's access code was changed, effective August 1, 1992, Patricia Stolquist Chmielewski gave the new access code to Marylou Harrison.
    d. Marylou Harrison used the Senate's access code to call her brother, Terry Stolquist, in Mora, Minnesota, and her sister, Patricia Stolquist Chmielewski, in Sturgeon Lake, Minnesota. Patricia Chmielewski was the main person she called.
    e. None of the calls Marylou Harrison charged to the Senate were on Senate business.
4. Senator Chmielewski does not know how his son, Florian Chmielewski, Jr., obtained the Senate's long-distance telephone access code. Florian Chmielewski, Jr. used the Senate's access code to make calls from Mesa, Arizona, and Las Vegas, Nevada to Steve Peterson, Elk River, Minnesota, with whom he had worked on sheet rock jobs. The calls were to discuss sheet rock jobs, not Senate business.
5. Senator Chmielewski provided the Senate's long-distance telephone access code to his son, Mark Chmielewski.
    a. Mark Chmielewski used the Senate's long-distance telephone access code to call Duane Warchol, a member of Senator Chmielewski's polka band for over seven years. The calls were related to the polka band, not Senate business.
    b. Mark used the Senate's long-distance telephone access code to call his wife's relatives in North Pole, Alaska, 13 times between February 23, 1992 and March 8, 1993. Twelve of the calls were made from the home of Mark Chmielewski and one of the calls was made from the home of Mark's sister-in-law, Leona Jurek.

The calls were not on Senate business.

6. Senator Chmielewski provided the Senate's long-distance telephone access code to his daughter, Patricia Chmielewski Devitt.
   a. Patricia Devitt says she used the Senate's long-distance telephone access code to make calls to directory assistance in New York; to Buy Rite, a mail order house in New York; and to Camera World in Portland, Oregon. The calls were not on Senate business.
   b. Patricia Devitt says she used the Senate access number to call her brother-in-law, Mark Devitt, in Vancouver, British Columbia, at a cost of over $100. The calls were not on Senate business.
      i. In May 1992, two calls from the home of Patricia Devitt to the home of Mark Devitt, were charged to the Senate. Patricia Devitt told investigators the calls were made by Senator Chmielewski at her request.
      ii. On Christmas Eve, 1992, a call from the home of Maurice J. Devitt, Patricia Devitt's father-in-law, to the home of Mark Devitt was charged to the Senate.
      iii. On March 7, 1993, a call from the home of Patricia Devitt to Mark Devitt, charged to the Senate, lasted for two hours and 29 minutes.
   c. On December 7, 1994, when questioned by investigators from the Ramsey County Attorney's Office, Patricia Devitt denied giving the Senate's access code to her husband, Scott Devitt.
7. Senator Chmielewski's son, Jeffrey Chmielewski, repeatedly learned how to access the Senate's long-distance telephone system.
   a. Each time the Senate changed its access procedure, Jeffrey Chmielewski obtained the new access code. This occurred at least three times.
      i. Jeffrey Chmielewski told investigators he began charging his personal calls to the Senate before May 1, 1991, at a time when access was controlled by a state operator. He identified himself as calling from Senator Chmielewski's office and the calls were charged to the Senate. On May 1, 1991, the Senate discontinued use of the operator system and began using an access code.
      ii. In June or July 1991, Jeffrey Chmielewski gave the Senate access code to Loren Dolash, his partner in "The Gambler," a business that bought and sold used slot machines. Both Jeffrey Chmielewski and Loren Dolash charged calls related to "The Gambler" to the Senate.
      iii. On August 1, 1992, the Senate added a barrier code to the access code. On August 3, 1992, a telephone call from "The Gambler" was charged to the Senate using the new barrier code.
      iv. The barrier code was changed on January 1, 1993. On January 7, 1993, telephone calls made from "The Gambler" were charged to the Senate using the new barrier code.
      v. Jeffrey Chmielewski continued using the Senate's access code and barrier

code until as late as March 1993.

b. Senator Chmielewski told investigators he did not ask his son how he got the Senate access code and barrier code because "he doesn't like to discuss this because this is something that is not a very positive aspect to discuss, so he's very quiet about the whole issue."

c. Jeffrey Chmielewski told investigators he copied the access code for the Senate telephone system when he saw it lying on a table in his home during a time his father was visiting him.

d. Jeffrey Chmielewski used the Senate's long-distance telephone access code to make calls on various personal matters, not related to Senate business, such as to his girl friend, Jennifer Griep, in Maple Grove, Minnesota; to a building contractor in Brooklyn Park who had sold him a home; and to Sexter Realty, in Crystal, Minnesota, which had sold him an apartment building.

e. Jeffrey Chmielewski used the Senate's long-distance telephone access code to make numerous calls related to the "Chmielewski Fun Time" band, of which Jeffrey Chmielewski was the proprietor. Senator Chmielewski was not involved in the management or booking of the band, and only played as a member of the band on an irregular basis. The calls were not related to Senate business. The calls were as follows:

   i. Calls to Duane Warchol, a member of the "Chmielewski Fun Time" band for over seven years.

   ii. Calls to Mrs. Marv Nissel of New Ulm, Minnesota, a member of another polka band with whom the Chmielewski Fun Time band had played at polka festivals.

   iii. Calls to Lorren Lindevig of Cloquet, Minnesota, who has known the Chmielewski family for many years and has played accordion for the Chmielewski Fun Time band on a number of occasions.

f. Jeffrey Chmielewski used the Senate's long-distance telephone access code to make numerous calls related to his business that bought and sold used slot machines, known as "The Gambler, L.J."

   i. "The Gambler, L.J." was owned by Loran Dolash and Jeffrey Chmielewski.

   ii. Between December 1991 and February 29, 1992, 280 calls charged to the Senate were made from Jeffrey Chmielewski's home telephone in Maple Grove, Minnesota, and from his place of business at "The Gambler." Some of these calls were made to slot machine businesses in Las Vegas and Reno, Nevada; Tuckertown and Pleasantville, New Jersey; and Keshena, Green Bay, and West Bend, Wisconsin.

   iii. Between December 1991 and February 29, 1992, 24 calls charged to the Senate were made from Mesa, Arizona, and Las Vegas, Nevada, while Jeffrey Chmielewski and the Chmielewski band were staying and playing in those locations. Some of the calls were made to slot machine

businesses in Reno and Las Vegas, Nevada; to "The Gambler;" and to Loran Dolash, his partner.

iv. In March 1992, when Jeffrey Chmielewski was in Denver, Colorado, with the Chmielewski polka band, over 60 calls from the Denver area to various locations, including many of the slot machine businesses called from The Gambler's place of business, were charged to the Senate.

v. Calls charged to the Senate included calls to Fidelity Freight Forwarding, in Minneapolis and St. Paul, which had transported slot machines for Jeffrey Chmielewski for four years, mostly from Reno and Las Vegas, Nevada.

vi. Jeffrey Chmielewski also made Gambler-related business calls from his father's house in Sturgeon Lake, Minnesota, to Nevada, and charged them to the Senate.

g. Jeffrey Chmielewski provided the Senate's long-distance telephone access code to Loran Dolash, his partner in "The Gambler."

i. Jeffrey first gave him the Senate access code in June or July 1991, telling him it was his father's Senate access code and could be used to "save on phone bills."

ii. Jeffrey gave him the Senate access code a second time, in early August 1992, after the access code was changed.

iii. Mr. Dolash used the Senate access code to make over 160 calls from his home between July 1992 and March 1993.

iv. Mr. Dolash's calls were to his relatives in Toledo, Ohio; Cedar Rapids, Iowa; and Amery, Wisconsin.

h. On October 10, 1994, when questioned by investigators from the Ramsey County Attorney's Office about the phone calls made from his home telephone number, The Gambler's telephone number, Denver, Colorado, Mesa, Arizona, and other places and charged to the Senate, Jeffrey Chmielewski began by lying. He denied any knowledge of them or how they could have been charged to the Senate. He denied ever charging any of his business calls to the Senate. On further questioning, he admitted making the calls and charging them to the Senate, and admitted that he had committed a form of theft. He said his action was justified because "a lot of us feel violated by the government" and that the government lied to citizens and did not treat them fairly. He said he used the Senate telephone system to make his business calls because he was very hard up for money when he started his slot machine business and that by charging his telephone calls to the Senate he eliminated a big expense he could not really afford at the time.

i. Jeffrey Chmielewski used his father's Senate position to advance Jeffrey's business interests.

i. On December 23, 1991, A.C. Coin and Slot Co. of Pleasantville, New Jersey, requested Jeff Chmielewski, c/o The Gambler, to provide it with documentation from the State of Minnesota or information from a legal

source stating that he was legally licensed to be a dealer of slot machines.

ii. On December 26, 1991, a letter on Senate letterhead issued to Senator Chmielewski was mailed to A.C. Coin and Slot Co. stating:
"In response to your concerns, The Gambler L.J. a limited partnership located at 740 Highway 10 N.E., Blaine, Mn., is an accepted and recognized distributor of used gambling equipment and are (sic) in full accordance with all state and federal laws governing such business. They are fully licensed and registered according to the Minnesota Gaming Enforcement Division. You may feel free to engage in any business transactions at this time."
The letter was signed "Florian Chmielewski, President - Minnesota Senate."

iii. Florian Chmielewski was not the President of the Senate, nor was he authorized to write such a letter on behalf of the Senate nor on behalf of the State of Minnesota.

iv. Senator Chmielewski denies any knowledge of the letter before it was raised as part of the Ramsey County Attorney's investigation.

v. The letter appears to be a forgery.

(1) The letter was written on letterhead issued to Senator Chmielewski in 1973 and not used in his office since 1975 and substantially different from the letterhead used in his office in December 1991.

(2) The letter was printed using a font different from that used by Senator Chmielewski's office in December 1991.

(3) The salutation ends with a comma, rather than with a semicolon as was Senator Chmielewski's standard operating procedure.

(4)

The typed signature is:	rather than his standard:
Senator Florian Chmielewski	FLORIAN CHMIELEWSKI
President-Minnesota Senate	President Pro Tem

(5) The letter does not contain the initials of Senator Chmielewski or his secretary, contrary to his standard operating procedure.

j. On April 29, 1996, before the Honorable Edward S. Wilson, Judge of Ramsey County District Court, Jeffery Chmielewski pleaded guilty to a violation of Minn. Stat. § 609.52, subds. 2 (14)(i) and 3 (4), theft of telecommunications services with a value of more than $200 but not more than $500, a gross misdemeanor.

k. As part of the plea agreement, Jeffrey Chmielewski agreed to pay restitution to the Senate in the amount of $1,141.78.

l. Sentencing was set for July 2, 1996.

8. Bills for Senator Chmielewski's Senate office telephone after April 1, 1994, included calls charged to the Senate's 1-800 number. They were approved by Senator Chmielewski.

9. An examination of available records for April, May, and June 1994 show that there were 191 telephone calls made to family members and friends of Senator Chmielewski that

were personal calls illegally charged to the Senate.

10. Senator Chmielewski attempted to obstruct the Ramsey County Attorney's investigation into the telephone calls that Senator Chmielewski and his family had illegally charged to the Senate.
    a. On December 7, 1994, Senator Chmielewski said that all the calls charged to the Senate from Florian, Jr.'s home, from Mark Chmielewski's home, and from Patricia Chmielewski Devitt's home were on Senate business.
    b. Also on December 7, 1994, when asked to justify calls from the Hacienda Hotel and Casino in Las Vegas, Nevada in February 1992, when the Chmielewski band was playing in the ballroom there, to Robert Granda of New Hope, Minnesota, Senator Chmielewski identified him as someone who might run a day care center; he did not disclose that Robert Granda was the brother-in-law of his son Mark Chmielewski.
    c. On December 8, 1994, the day after Investigator Ralph G. Neumann had interviewed her about the calls, Senator Chmielewski called Marylou Harrison and asked her to fabricate a legitimate reason for the calls she had charged to the Senate.
11. On December 5, 1995, before the Honorable Kenneth J. Fitzpatrick, Judge of Ramsey County District Court, Senator Chmielewski pleaded guilty to a violation of Minn. Stat. § 609.43, Misconduct of a Public Officer, a gross misdemeanor. Sentencing on the conviction was set for January 18, 1996. It was later postponed to February 1, and then to April 22.
12. On December 12, 1995, Senator Chmielewski resigned his positions as chair of the Committee on Transportation and Public Transit and as President Pro Tem of the Senate.
13. Also on December 12, 1995, Senator Roger D. Moe, Chair of the Committee on Rules and Administration, requested the Subcommittee on Ethical Conduct to determine what disciplinary action, if any, was appropriate for the Senate to take against Senator Chmielewski.
14. On December 20, 1995, Senators Dean Elton Johnson and Thomas M. Neuville filed a complaint in writing under oath alleging that Senator Chmielewski had breached his ethical duty to the Minnesota State Senate and the people of Minnesota by misusing his public office and misusing public property, thereby violating an administrative policy of the Senate, violating accepted norms of Senate behavior, betraying the public trust, and bringing the Senate into dishonor or disrepute.
15. On January 5, 1996, Senator Chmielewski requested that the hearing on the complaint, then scheduled for January 9, 1996, be continued. There were three reasons for the request.
    a. Senator Chmielewski's wife was scheduled to be released from the hospital that day and needed Senator Chmielewski's care and attention at home.
    b. Senator Chmielewski's sentencing had not been completed, and there was a risk that the legislative proceedings might compromise the criminal proceedings.
    c. Jeffrey Chmielewski's criminal case was still pending, and there was a risk that

the legislative proceedings might compromise it, too.

16. The request for a continuance of the subcommittee's proceedings was granted for an indefinite time.
17. On January 16, 1996, Senator Roger D. Moe, Chair of the Committee on Rules and Administration, removed Senator Chmielewski from membership on that committee.
18. On February 1, 1996, at the hearing on Senator Chmielewski's sentence, Senator Chmielewski moved that no further court proceedings be held on his guilty plea until the end of the current legislative session.
19. On February 3, 1996, Senator Chmielewski underwent heart bypass surgery. He did not return to the Senate for the rest of the 1996 regular session.
20. On February 23, 1996, Judge Fitzpatrick granted the motion for a continuance of the court proceedings.
21. The 1996 regular session adjourned on April 3, 1996.
22. On April 18, 1996, Senator Chmielewski made restitution to the Secretary of the Senate in the amount of $297.38 (including the three percent federal excise tax) for telephone calls charged to the Senate that were not related to legislative business.
23. On April 22, 1996, Judge Fitzpatrick suspended sentencing for two years and placed Senator Chmielewski on probation during that time. As conditions of probation, he ordered Senator Chmielewski to repay the Senate $3,841.29 for unauthorized calls charged to the Senate (including the three percent federal excise tax) and to perform 100 hours of community service.
24. On the same date, Judge Fitzpatrick ordered Senator Chmielewski to repay the Senate an additional $1,031.81, a total of $4,873.10 (including the three percent federal excise tax), in the event Jeffrey Chmielewski did not make restitution to the Senate of that amount.
25. On April 24, 1996, Senators Roger D. Moe and Dean Elton Johnson wrote Senator Chmielewski requesting that he voluntarily appear before the Subcommittee on Ethical Conduct.
26. By a letter dated May 2, 1996, Senator Chmielewski apologized to Senator Moe, his fellow members of the Minnesota State Senate, his constituents, and the people of Minnesota for all that he had done, or failed to do, that had caused the integrity of the Senate or its individual members to be compromised or embarrassed in any way.
27. On May 30, 1996, Senator Moe wrote Senator Chmielewski asking that he identify several dates before June 22 when he could be present to give testimony before the Subcommittee.
28. On June 14, 1996, Mr. Thomas J. Ryan, attorney for Senator Chmielewski, wrote to Peter S. Wattson, Senate Counsel for the Subcommittee, informing him that he advised Senator Chmielewski not to attend the hearings of the Subcommittee.
29. On June 14, 1996, Patricia Chmielewski made restitution to the Secretary of the Senate in the amount of $3,543.91 (including the three percent federal excise tax) for telephone calls charged to the Senate that were not related to legislative business.
30. On June 18, 1996, Mr. Wattson faxed a letter to Mr. Ryan again inviting him and Senator Chmielewski to appear on June 19.

31. The Subcommittee met on June 19, 1996, to review the written materials it had gathered. Senator Chmielewski refused to attend.
32. On June 20, 1996, Mr. Wattson faxed a letter to Mr. Ryan inviting him and Senator Chmielewski to appear on June 27.
33. The Subcommittee met on June 27, 1996, to adopt findings of fact and recommend appropriate disciplinary action. Senator Chmielewski refused to attend.

NOW, THEREFORE,

BE IT RESOLVED, by the Committee on Rules and Administration of the Minnesota State Senate:

1. That the conduct of Senator Florian Chmielewski, in providing the Senate's long-distance telephone access code to various members of his family, who made calls that were not on Senate business, was criminal.
2. That Senator Chmielewski's decision to resign as chair of the Committee on Transportation and Public Transit and as President Pro Tem of the Senate was an appropriate disciplinary action.
3. That Senator Moe's decision to remove Senator Chmielewski from membership on the Committee on Rules and Administration was an appropriate disciplinary action.
4. That Senator Chmielewski's refusal to appear before the Subcommittee was extremely disappointing and was a deplorable response to the repeated invitations to appear.
5. That the conduct of Senator Florian Chmielewski in enabling the Senate's long-distance telephone access code to be used for criminal purposes be condemned.
6. That, for the remainder of his term, certain privileges of a member be denied to Senator Florian Chmielewski, as follows:
   a. That he be denied the use of the Senate's 1-800 long-distance telephone system when away from the Capitol.
   b. That he not be reimbursed for telecommunications expenses, unless the request for reimbursement is accompanied by an itemized list that shows the Senate business purpose of each call. The list need not show the name of the person called.
   c. That he be removed from membership on the Committee on Transportation and Public Transit and from membership on the Committee on Jobs, Energy and Community Development.
   d. That he not be reimbursed for lodging expenses.
7. That Senator Florian Chmielewski be deemed, for purposes of interim Senate appointments, to be a first-term member.

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JO ANNE ZOFF SELLNER
DIRECTOR

Senate

State of Minnesota

June 27, 1996

To: Senator Ember Reichgott Junge
Senator Dennis R. Frederickson
Senator Steven G. Novak
Senator Roy W. Terwilliger

From: Peter S. Wattson, Senate Counsel
296-3812

Subj: Sanctions Not Requiring Senate Action

Senate Rule 75 provides that, "If, after investigation, the subcommittee finds the complaint substantiated by the evidence, it shall recommend to the Committee on Rules and Administration appropriate disciplinary action."

The Senate has now adjourned sine die, so a vote by the whole Senate to expel or otherwise discipline Senator Chmielewski is no longer possible. You have asked me to identify disciplinary actions that might be taken against him without a vote of the Senate.

1. Censure

Until 1995, Rule 75 directed the Subcommittee on Ethical Conduct to submit its recommendations for disciplinary action to the whole Senate. Only the whole Senate had any authority to act on those recommendations. In 1995, however, the rule was amended to direct the Subcommittee's recommendations to the Committee on Rules and Administration.[1] This change was in keeping with the actual practice of the Subcommittee before then of submitting its recommendations to the Rules Committee, which in turn recommended them to the Senate. Thus, the significant role of the Rules Committee in disciplinary proceedings has been recognized and ratified by the Senate.

A resolution to censure, condemn, or denounce the conduct of a member adopted by the Rules Committee would not have the same force and effect as a similar

[1] *See* JOURNAL OF THE SENATE 1449 (Apr. 5, 1995).

resolution adopted by the whole Senate. But the Rules Committee has some 27 members, more than a third of the Senate, so its censure would presumably carry more weight than that of the four-person Subcommittee on Ethical Conduct.

2. Removal from Committee Membership

Appointments to standing committees have long been made by the whole Senate, by adoption of a resolution. The Subcommittee on Committees of the Committee on Rules and Administration has been authorized to appoint members of conference committees and interim committees and commissions, and to fill vacancies in standing committees that occurred during the interim between sessions, but it has had no authority to remove a member from a standing committee. In 1995, however, Rule 56 was amended to authorize the Chair of the Committee on Rules and Administration to add members to or delete members from the standing committees.[2] Thus, if there were bipartisan agreement that it was appropriate to remove Senator Chmielewski from one or more of the standing committees on which he serves, that action could be taken by the Chair of the Rules Committee without a vote of the Senate.

3. Denial of Reimbursement for Certain Expenses

The compensation of a member of the Senate is set under Minn. Stat. § 15A.082. That compensation cannot be changed except by a recommendation of the Compensation Council or by passage of a law. But expense reimbursements are set by the Committee on Rules and Administration under Minn. Stat. § 3.101.[3] A copy of the expense reimbursement policy adopted by the Rules Committee on March 26, 1996, for this interim is enclosed. The policy covers per diem, mileage, lodging, telecommunications, and expenses to attend meetings, conferences, and seminars. It covers who may claim reimbursement for each of these kinds of expenses and under what circumstances. I believe the Rules Committee would have authority to amend this policy to deny certain reimbursements to a member who has been found to have abused the privileges of membership, provided the punishment bore a reasonable relationship to the offense committed.

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[2] "After the organization of the Senate and after consultation and advice from the minority leader, the Chair of the Committee on Rules and Administration may add members to or delete members from the standing committees." Senate Rule 56, JOURNAL OF THE SENATE 1444 (Apr. 5, 1995). Senator Chmielewski voted in favor of Senator Knutson's motion to delete this new authority, but the motion failed on a vote of 25 to 36. *See* JOURNAL OF THE SENATE 2972 (Apr. 27, 1995). Senator Chmielewski, though not excused, did not vote on final adoption of the Permanent Rules for the 79th Session. *See* JOURNAL OF THE SENATE 2971-79 (Apr. 27, 1995).

[3] 3.101 **Living expenses.** A member of the legislature in addition to the compensation and mileage otherwise provided by law shall be reimbursed for living and other expenses incurred in the performance of duties or engaging in official business during a regular or special session and when the legislature is not in session in the manner and amount prescribed by the senate committee on rules and administration for senators and by the house committee on rules and legislative administration for house members.

4. Denial of Access to Administrative Services

Many of the administrative services that are provided for the benefit of a member of the Senate are not spelled out in policies of the Committee on Rules and Administration but are provided by the Secretary of the Senate under the general supervision of the Rules Committee. The 1-800 long-distance telephone system operates that way. The Secretary of the Senate changes its operating procedures from time to time as technology changes and as the needs of the members change, without any specific direction from the Rules Committee. If a member of the Senate, such as Senator Chmielewski, has been found to have abused the privilege of using the 1-800 number, I believe it would be within the authority of the Rules Committee to direct the Secretary of the Senate to deny him access to it.

5. Loss of Seniority

The Minnesota Senate places significantly less weight on seniority than do some other legislative bodies, such as the United States Congress. When the Senate is organized following an election, seniority plays a role in deciding which members will become committee chairs, and seniority is generally followed in allowing members to choose their new offices. But members do not automatically move up the committee ladder or become chair of a particular committee based on seniority, and seats in the Senate chamber are no longer chosen strictly on the basis of seniority.

The decisions where seniority is taken into account are mostly made by the organizing committee of the majority caucus. The organizing committee recommends a proposed committee structure to both caucuses and recommends committee appointments for the majority caucus. Those recommendations go first to the Committee on Rules and Administration, which recommends to the Senate resolutions establishing committees and appointing their members. The resolutions recommended by the Rules Committee are adopted by the Senate, which does not change either the committee structure or the committee membership. If the Rules Committee were to decide to give direction to the caucus organizing committee, I believe the organizing committee would give that direction serious consideration, depending on how much turnover there is in the November election.

PSW:ph
Enclosure

cc: Justice Robert J. Sheran

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Senate

State of Minnesota

March 26, 1996

TO: ALL SENATORS

FROM: ROGER D. MOE, CHAIR
SENATE RULES AND ADMINISTRATION COMMITTEE

RE: PER DIEM AND TRAVEL REIMBURSEMENT (INTERIM 1996)

PER DIEM, MILEAGE, LODGING AND TRAVEL EXPENSES (INTERIM)

Members will be reimbursed for per diem, mileage, lodging, travel, registration fees, taxis and baggage tips.

Per diem maximum reimbursement is $50.00 per day.

Hotel/lodging - Reimbursement will be $75.00 per night maximum for in-state lodging and the actual cost of a single room for travel out of the state of Minnesota. (Receipt must be attached.)

Apartment - $700.00 per month maximum. (Receipts must accompany claim or lease must be filed in the Fiscal Office.)

Registration fees will be paid when authorized. (Receipt must be attached.)

Mileage to and from the Capitol at the current IRS reimbursement level.

Air travel between place of residence and Minneapolis/St. Paul Airport.

REIMBURSEMENT IS AUTHORIZED AS FOLLOWS:

- Senators attending committee or subcommittee meetings.
- Chair of committee for work at the capitol or meetings with staff.
- Chief authors of bills who are called upon to present a Senate file.
- Committee members, upon approval of committee chair.
- Minority leader for appropriate duties.
- Senators attending House committee meetings upon the approval of the majority leader.
- For travel days, to and from the Capitol.

Members will not be reimbursed for routine work done at the Capitol or for attending caucuses or steering committee meetings. Please note that reimbursements may be subject to taxes (see attached memo).

TELEPHONE COMMUNICATIONS REIMBURSEMENT

Reimbursement will be authorized, up to a maximum of $100.00 per month for telephone communications.

IN-DISTRICT MILEAGE

In-district travel - at current IRS rate.

Reimbursement has been authorized for all senators covering mileage incurred in travel within their district on constituent matters on a monthly basis at the present rate per mile. Reimbursement is subject to the approval of the chair of the Committee on Rules and Administration.

OUT-OF-STATE AND IN-STATE TRAVEL GUIDELINES

1. In-state travel by members and staff (attendance at conferences, seminars, traveling committee meetings, etc.) which is funded in the committee budget approved by senate rules committee must have the approval of the chairperson of the committee traveling and of the chair of the Senate Rules Committee before reimbursement can be made.

2. Prior approval of the chair of the Senate Rules Committee is necessary before members or staff may attend meetings, conferences, seminars, etc. Requests for staff to attend such meetings will be given special consideration but must be approved in advance.

3. All expenses must be submitted to the fiscal services no later than 90 days after their occurrence.

CONSULTANTS

A request must be submitted to the Rules Committee Chair for approval before an invitation is extended to any "expert witness" or consultant.

PERMANENT RULES OF THE SEVENTY-NINTH MINNESOTA STATE SENATE
Adopted April 27, 1995

ETHICAL CONDUCT

75. The Subcommittee on Committees shall appoint a Subcommittee on Ethical Conduct of the Committee on Rules and Administration consisting of four members, two from the majority and two from the minority.

The subcommittee shall serve in an advisory capacity to a member or employee upon written request and shall issue recommendations to the member or employee.

The subcommittee shall investigate a complaint by a member of the Senate in writing under oath received during a legislative session regarding improper conduct by a member or employee of the Senate. Improper conduct includes conduct that violated a rule or administrative policy of the Senate, that violated accepted norms of Senate behavior, that betrayed the public trust, or that tended to bring the Senate into dishonor or disrepute.

Within 30 days after receiving a complaint, the subcommittee must meet and either make a finding of no probable cause, vote to defer action until a certain time, or proceed with its investigation. If criminal proceedings relating to the same conduct have begun, the subcommittee may defer its own proceedings until the criminal proceedings have been completed.

The subcommittee has the powers of a standing committee to issue subpoenas pursuant to Minnesota Statutes, Section 3.153. In order to determine whether there is probable cause to believe that improper conduct has occurred, the subcommittee may, by a vote of three of its members, conduct a preliminary inquiry in executive session to which the requirements of Rule 58 do not apply. The executive session may be ordered by a vote of three of its members whenever the subcommittee determines that matters relating to probable cause are likely to be discussed. The executive session must be limited to matters relating to probable cause. Upon a finding of probable cause, further proceedings on the complaint are open to the public. To minimize disruption of its public proceedings, the subcommittee may require that television coverage be pooled or be provided by Senate media services.

If, after investigation, the subcommittee finds the complaint substantiated by the evidence, it shall recommend to the Committee on Rules and Administration appropriate disciplinary action.

Members shall adhere to the highest standard of ethical conduct as embodied in the Minnesota Constitution, state law, and these rules.

A member shall not publish or distribute written material if the member knows or has reason to know that the material includes any statement that is false or clearly misleading, concerning a public policy issue or concerning the member's or another member's voting record or position on a public policy issue.

SUBCOMMITTEE ON ETHICAL CONDUCT
RULES OF PROCEDURE

As amended January 3, 1996

1. All proceedings of the Subcommittee will be conducted in accordance with Senate Rule 75.

2. Upon receipt of a properly executed complaint, the chair will notify the accused and the other members of the Subcommittee.

3. The Subcommittee will try to complete its work and report to the Senate before adjournment.

4. While the Subcommittee is proceeding in executive session, all members, staff, and witnesses shall keep the proceedings of the Subcommittee in confidence, except that after each meeting the chair shall make available to the public a brief statement about the general subject of the Subcommittee's inquiry for that meeting.

5. Witnesses will be called at the request of any member of the Subcommittee.

6. As soon as the agenda for a meeting has been finalized subcommittee members and the public will be notified. If a meeting will be in executive session, the notice will so state.

7. All evidence provided by witnesses will be under oath.

8. Evidence presented at hearings conducted by the Subcommittee will be in the following order:

   a. Evidence provided by complainant.
   b. Evidence provided by accused.
   c. Evidence requested by Subcommittee.
   d. Rebuttal evidence by complainant or accused.

9. The order of procedure on the testimony of each witness will be as follows:

   a. Testimony by the witness either in the form of a statement or in response to questions by the party calling the witness.
   b. Examination of the witness by members of the Subcommittee or Subcommittee counsel.
   c. Cross-examination of the witness by the accused or in case of witnesses for the accused, by the complainant.
   d. Additional examination in the same order as a, b, and c.

10. The Subcommittee will consider all evidence that is competent, relevant, and material, and will not be strictly bound by the rules of evidence applicable to judicial proceedings.

11. All parties and witnesses are entitled to appear with counsel.

12. Tape recordings and minutes of proceedings in executive session shall be kept confidential until the Subcommittee has concluded the confidential portion of its inquiry and shall then be made available to the public through the Legislative Reference Library and the Secretary of the Senate as provided in Rule 65.

13. Relevant portions of the taped record of Subcommittee proceedings will be transcribed at the request of any member of the Subcommittee, subject to the requirements of confidentiality while the Subcommittee is meeting in executive session.

14. A witness will be furnished a certified transcript of the witness' testimony upon request and at the witness' expense.

15. The Subcommittee, after hearing all evidence, will make findings of fact and recommendations to the Senate in accordance with Rule 75.

16. Findings of the Subcommittee will be based upon clear and convincing evidence.

17. The burden of proving a violation of Rule 75 is on the complainant.

18. After action by the Senate on recommendations of the Subcommittee, all evidence will be returned to its proper owner.

PSW:

MINNESOTA STATUTES 1995

3.153 LEGISLATIVE SUBPOENAS.

Subdivision 1. **Commissions; committees.** A joint legislative commission established by law and composed exclusively of legislators or a standing or interim legislative committee, by a two-thirds vote of its members, may request the issuance of subpoenas, including subpoenas duces tecum, requiring the appearance of persons, production of relevant records, and the giving of relevant testimony. Subpoenas shall be issued by the chief clerk of the house or the secretary of the senate upon receipt of the request. A person subpoenaed to attend a meeting of the legislature or a hearing of a legislative committee or commission shall receive the same fees and expenses provided by law for witnesses in district court.

Subd. 2. **Service.** Service of a subpoena authorized by this section shall be made in the manner provided for the service of subpoenas in civil actions at least seven days before the date fixed in the subpoena for appearance or production of records unless a shorter period is authorized by a majority vote of all the members of the committee or commission.

Subd. 3. **Counsel.** Any person served with a subpoena may choose to be accompanied by counsel if a personal appearance is required and shall be served with a notice to that effect. The person shall also be served with a copy of the resolution or statute establishing the committee or commission and a general statement of the subject matter of the commission or committee's investigation or inquiry.

Subd. 4. **Attachment.** To carry out the authority granted by this section, a committee or commission authorized by subdivision 1 to request the issuance of subpoenas may, by a two-thirds vote of its members, request the issuance of an attachment to compel the attendance of a witness who, having been duly subpoenaed to attend, fails to do so. The chief clerk of the house or the secretary of the senate upon receipt of the request shall apply to the district court in Ramsey county for issuance of the attachment.

Subd. 5. **Failure to respond.** Any person who without lawful excuse fails to respond to a subpoena issued under this section or who, having been subpoenaed, willfully refuses to be sworn or affirm or to answer any material or proper question before a committee or commission is guilty of a misdemeanor.

HIST: 1971 c 227 s 1; 1986 c 444; 1988 c 469 art 1 s 1; 1992 c 385 s 1

MINNESOTA STATUTES 1994

3.921 Standing committees as interim study committees.

Subdivision 1. Interim studies. Each standing committee or subcommittee of the senate and house of representatives is continued during the intervals between sessions of the legislature to make studies and investigations within its general jurisdiction, as directed by the committee on rules and administration of the senate and the committee on rules and legislative administration of the house of representatives, or by resolution or law.

Subd. 2. Vacancies. Vacancies in a committee or subcommittee during the intervals shall be filled by the last elected speaker of the house of representatives for house committees and by the last elected senate committee on committees for senate committees.

Subd. 3. Expenses. A standing committee of the senate that requires money to defray expenses of its operations during the interim shall prepare and submit a budget to the senate committee on rules and administration for its approval. The money must not be spent by the standing committee without prior approval of the senate committee on rules and administration. A standing committee of the house of representatives that requires money to defray expenses of its operations during the interim shall prepare and submit a budget to the rules and legislative administration committee of the house of representatives for its approval. The money must not be spent by the standing committee without prior approval of the rules and legislative administration committee of the house of representatives.

Subd. 4. Certification to finance commissioners. The expenses of a committee shall be paid upon the certification to the commissioner of finance of their amount. Payment of the expenses is directed from any direct appropriation for them to the legislature or either branch of it.

HIST: 1963 c 887 s 1; 1973 c 492 s 14; 1973 c 720 s 69; 1988 c 469 art 1 s 1 .

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Report at the Desk be now adopted. The motion prevailed.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 1829: A bill for an act relating to metropolitan airports; limiting metropolitan council zoning approval authority; prohibiting construction by metropolitan airports commission of new major airport; requiring inclusion of noise mitigation plan in capital improvement plan; requiring metropolitan airports commission to report on development of existing airport; requiring legislative approval of proposed development; requiring soundproofing of buildings in 1996 65 Ldn contour; requiring design and construction of limited-access transitway along trunk highway No. 55; authorizing regional railroad authority to transfer funds for transitway; authorizing metropolitan council to purchase met center; appropriating money; amending Minnesota Statutes 1994, sections 473.155, by adding a subdivision; 473.608, subdivisions 2, 6 and 16; 473.614, subdivision 1; 473.616, subdivision 1; 473.618; 473.638, subdivision 1; and 473.661, subdivision 4; Laws 1989, chapter 279, section 7, subdivisions 2 and 6; repealing Minnesota Statutes 1994, sections 473.155, subdivisions 2, 3, and 4; 473.1551; 473.616, subdivisions 2, 3, and 4; 473.636; and 473.637.

Reports the same back with the recommendation that the report from the Committee on Metropolitan and Local Government, shown in the Journal for March 19, 1996, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Transportation and Public Transit". Amendments adopted. Report adopted.

MOTIONS AND RESOLUTIONS - CONTINUED

Ms. Lesewski and Mr. Vickerman introduced--

Senate Resolution No. 124: A Senate resolution congratulating the Tracy-Milroy High School girls basketball team on winning the 1996 State High School Class A Girls Basketball championship.

Referred to the Committee on Rules and Administration.

Mr. Kramer introduced--

Senate Resolution No. 125: A Senate resolution honoring the Brooklyn Peacemaker Center, Inc. for a decade of successful service in working with youth.

Referred to the Committee on Rules and Administration.

Messrs. Moe, R.D. and Johnson, D.E. introduced--

Senate Resolution No. 126: A Senate resolution relating to conduct of Senate business during the interim between Sessions.

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

The powers, duties, and procedures set forth in this resolution apply during the interim between the adjournment sine die of the 79th Legislature, 1996 Session, and the convening of the 80th Legislature, 1997 Session.

The Committee on Rules and Administration may, from time to time, assign to the various

committees and subcommittees of the Senate, in the interim, matters brought to its attention by any member of the Senate for study and investigation. The standing committees and subcommittees may study and investigate all subjects that come within their usual jurisdiction, as provided by Minnesota Statutes, Section 3.921. A committee shall carry on its work by subcommittee or by committee action as the committee from time to time determines. Any study undertaken by any of the standing committees, or any subcommittee thereof, shall be coordinated to the greatest extent possible with other standing committees or subcommittees of the Senate and House of Representatives, and may, if the committee or subcommittee so determines, be carried on jointly with another committee or subcommittee of the Senate or House of Representatives.

The Subcommittee on Committees of the Committee on Rules and Administration shall appoint persons as necessary to fill any vacancies that may occur in committees, commissions, and other bodies whose members are to be appointed by the Senate authorized by rule, statute, resolution, or otherwise. The Subcommittee on Committees may appoint members of the Senate to assist in the work of any committee.

The Committee on Rules and Administration shall establish positions, set compensation and benefits, appoint employees, and authorize expense reimbursement as it deems proper to carry out the work of the Senate.

The Committee on Rules and Administration may authorize members of the Senate and personnel employed by the Senate to travel and to attend courses of instruction or conferences for the purpose of improving and making more efficient Senate operation and may reimburse these persons for the costs thereof out of monies appropriated to the Senate for the standing committees.

All members of activated standing committees or subcommittees of the Senate, and staff, shall be reimbursed for all expenses actually and necessarily incurred in the performance of their duties during the interim in the manner provided by law. Payment shall be made by the Secretary of the Senate out of monies appropriated to the Senate for the standing committees. The Committee on Rules and Administration shall determine the amount and manner of reimbursement for living and other expenses of each member of the Senate incurred in the performance of his duties when the Legislature is not in regular session.

The Secretary of the Senate shall continue to perform his duties during the interim. During the interim, but not including time which may be spent in any special session, the Secretary of the Senate shall be paid for services rendered the Senate at the rate established for that position for the 1996 regular session, unless otherwise directed by the Committee on Rules and Administration, plus travel and subsistence expense incurred incidental to his Senate duties, including salary and travel expense incurred in attending meetings of the American Society of Legislative Clerks and Secretaries and the National Conference of State Legislatures.

Should a vacancy occur in the position of Secretary of the Senate, by resignation or other causes, the Committee on Rules and Administration shall appoint an acting Secretary of the Senate who shall serve in such capacity during the remainder of the interim under the provisions herein specified.

The Secretary of the Senate is authorized to employ after the close of the session, the employees necessary to finish the business of the Senate at the salaries paid under the rules of the Senate for the 1996 regular session. He is authorized to employ the necessary employees to prepare for the 1997 session at the salaries in effect at that time.

The Secretary of the Senate shall classify as "permanent" for purposes of Minnesota Statutes, Sections 3.095 and 43A.24, those Senate employees heretofore or hereafter certified as "permanent" by the Committee on Rules and Administration.

The Secretary of the Senate, as authorized and directed by the Committee on Rules and Administration, shall furnish each member of the Senate with postage and supplies, and may reimburse each member for long distance telephone calls and answering services upon proper verification of the expenses incurred, and for other expenses authorized from time to time by the Committee on Rules and Administration.

The Secretary of the Senate shall correct and approve the Journal of the Senate for those days that have not been corrected and approved by the Senate, and shall correct printing errors found in the Journal of the Senate for the 79th Legislature. He may include in the Senate Journal proceedings of the last day, appointments by the Subcommittee on Committees to interim commissions created by legislative action, permanent commissions or committees established by statute, standing committees, official communications and other matters of record received on or after adjournment sine die.

The Secretary of the Senate may pay election and litigation costs up to a maximum of $125 per hour as authorized by the Committee on Rules and Administration.

The Secretary of the Senate, with the approval of the Committee on Rules and Administration, shall secure bids and enter into contracts for the printing of the daily Senate journals, bills, general orders, special orders, calendars, resolutions, printing and binding of the permanent Senate Journal, shall secure bids and enter into contracts for remodeling, improvement and furnishing of Senate office space, conference rooms and the Senate Chamber and shall purchase all supplies, equipment and other goods and services necessary to carry out the work of the Senate. Any contracts in excess of $5,000 shall be signed by the Chair of the Committee on Rules and Administration and another member designated by the Committee on Rules and Administration.

The Secretary of the Senate shall draw warrants from the legislative expense fund in payment of the accounts herein referred to.

All Senate records, including committee books, are subject to the direction of the Committee on Rules and Administration.

The Senate Chamber, retiring room, committee rooms, all conference rooms, storage rooms, Secretary of the Senate's office, Rules and Administration office, and any and all other space assigned to the Senate shall be reserved for use by the Senate and its standing committees only and shall not be released or used for any other purpose except upon authorization of the Secretary of the Senate with the approval of the Committee on Rules and Administration, or the Chair thereof.

The custodian of the Capitol shall continue to provide parking space through the Secretary of the Senate for members and staff of the Minnesota State Senate on Aurora Avenue and other areas as may be required during the interim. The Secretary of the Senate may deduct from the check of any legislator or legislative employee a sum adequate to cover the exercise of the parking privilege herein defined in conformity with the practice of the department of Administration.

Mr. Moe, R.D. moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Larson	Oliver	Sams
Beckman	Janezich	Lesewski	Olson	Scheevel
Berg	Johnson, D.E.	Lessard	Ourada	Solon
Berglin	Johnson, J.B.	Limmer	Pappas	Spear
Betzold	Johnston	Marty	Pariseau	Stevens
Chandler	Kiscaden	Merriam	Piper	Stumpf
Cohen	Kleis	Metzen	Pogemiller	Terwilliger
Day	Knutson	Moe, R.D.	Price	Vickerman
Dille	Kramer	Mondale	Ranum	Wiener
Fischbach	Krentz	Morse	Reichgott Junge	
Flynn	Kroening	Murphy	Riveness	
Frederickson	Laidig	Neuville	Robertson	
Hanson	Langseth	Novak	Runbeck	

The motion prevailed. So the resolution was adopted.

COMMITTEE INTERIM WORK PLAN EXPENDITURE REQUEST

DATE: April 2, 1996 Approved April 24, 1996

RULES & ADMINISTRATION
Committee

RETURN TO:
COMMITTEE ON RULES & ADMINISTRATION
208 STATE CAPITOL

$ 48, 531.24
Total request

I	COMMITTEE/DIVISION/SUBCOMMITTEE NAME: (Attach pages including per diem, lodging, mileage, staff expense, etc.)	Number of meetings:	Cost per meeting:
	FULL COMMITTEE MEETINGS	04	4,083.02
	SUBCOMMITTEE MEETINGS	(meet same day as full committee)	

$ 16,332.08
Estimated cost

II OTHER LEGISLATIVE ACTIVITY:

(a) Travel: Staff: $ 7,000.00 Senators: $ 10,000.00

(b) Conferences and Seminars (specify)

National Conference of State Legislators
Council of State Governments

(c) Additional expenses of Chair:
(02 days per week at $ 168.41 per day) X 38 = $ 12,799.16

(d) Consultants and Witness fees:

$ 29,799.16
Estimated cost

III ADMINISTRATIVE EXPENSE:

(a) Supplies	500.00
(b) Postage	1,500.00
(c) Printing	200.00
(d) Publications [Must be processed through Sec. Of the Senate's Office]	200.00

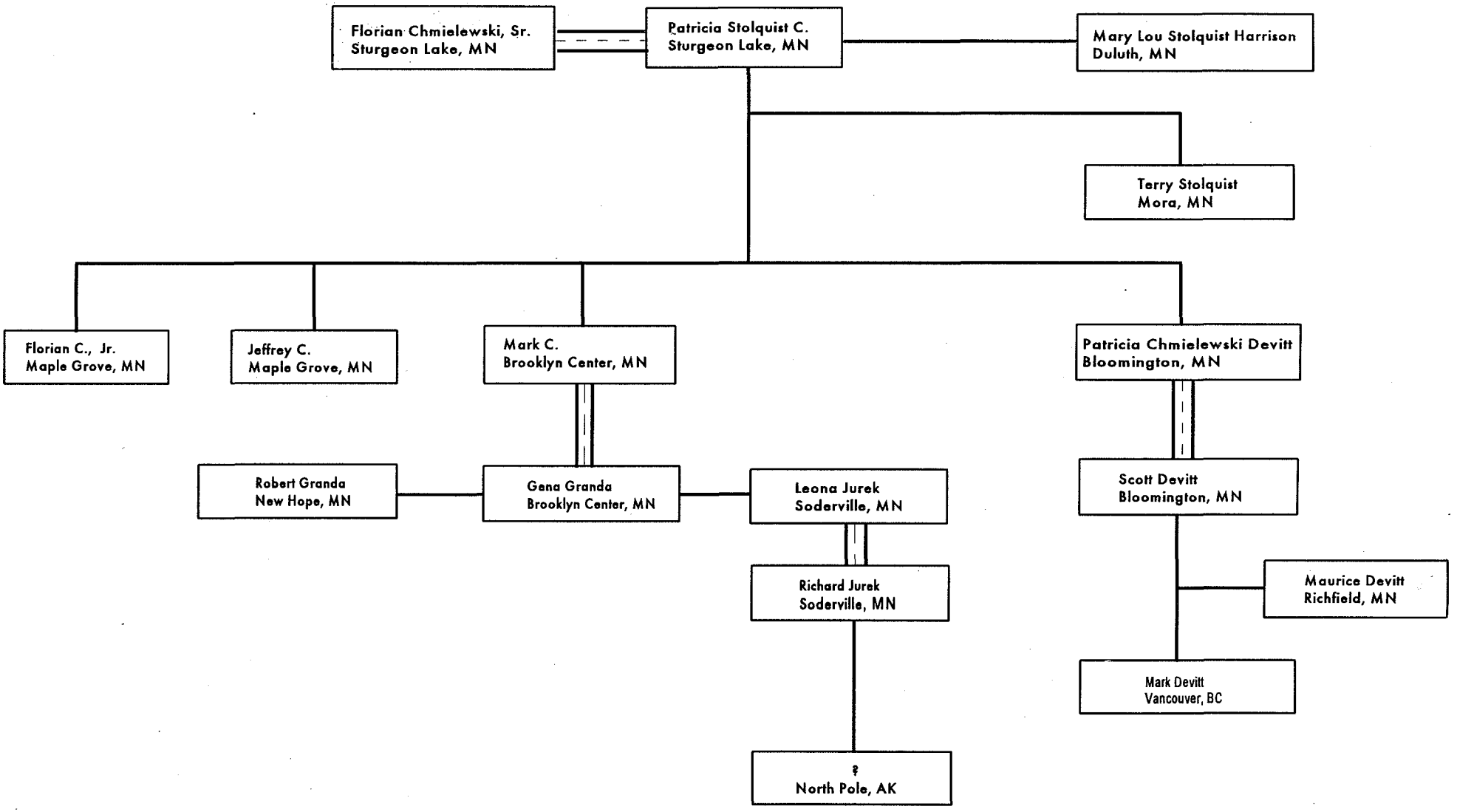
$ 2,400.00
Estimated cost

ANY OTHER (specify): NONE

[PLEASE ATTACH A MEMO ON INTERIM ACTIVITIES TO SUPPORT THIS REQUEST.]

6/27/96

The Chmielewski Family Tree



PSW

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
Phone: (612) 296-2577

Senate

State of Minnesota

January 16, 1996

The Honorable Allan H. Spear
President of the Senate
120 State Capitol
St. Paul, Minnesota 55155

Dear President Spear:

Pursuant to Senate Rule 56, I am making the following changes to the Committee on Rules and Administration:

Delete Senators Chmielewski and Solon and add Senators Kelly and Price.

Respectfully,

Roger D. Moe

Roger D. Moe, Chair
Committee on Rules and Administration

cc: Pat Flahaven

JUN 2 0 1996

Senate Counsel & Research

G-17 State Capitol
St. Paul, MN 55155
(612) 296-4791
FAX (612) 296-7747

Jo Anne Zoff Sellner
Director

Senate
State of Minnesota

June 20, 1996

Thomas J. Ryan
Attorney at Law
25 N.E. Eighth Avenue
Pine City, MN 55063

Sent via fax: 612/629-3016

Subj: Senator Florian Chmielewski

Dear Mr. Ryan:

The Subcommittee on Ethical Conduct met on June 19 to review the written materials it had received relative to the complaint against Senator Chmielewski. A copy of those materials, most of which are already in your possession, will be sent to you via Federal Express.

In accordance with the schedule sent you last week, the Subcommittee's next meeting, to adopt findings of fact and consider appropriate disciplinary action, has tentatively been set for Thursday, June 27, at 10:00 a.m. in Room 15 of the Capitol. The Subcommittee again invites Senator Chmielewski and you to appear before it to present any defense you care to offer and to answer questions from the Subcommittee.

If you have an alternative day or time no later than June 27 that Senator Chmielewski will commit to attending, I must receive that commitment in writing before 3:00 p.m. this Friday, June 21. Failure of the Senator to commit by then to attending the meeting will be taken to mean that he is again refusing to cooperate with the Subcommittee and may be held against him when the Subcommittee considers appropriate disciplinary action.

Sincerely,

Peter S. Wattson
Senate Counsel

PSW

cc: Senator Ember Reichgott Junge
Senator Dennis R. Frederickson
Senator Steven G. Novak
Senator Roy W. Terwilliger
Justice Robert J. Sheran
Justice Douglas K. Amdahl
Senator Roger D. Moe
Senator Dean Elton Johnson
Senator Thomas M. Neuville

Senator Florian Chmielewski
Rm 325 State Capitol Building
St. Paul, MN 55155
(612)296-4182

June 23, 1996

Peter Wattson, Esq.
Senate Counsel and Research
G17 State Capitol
St. Paul, MN 55155

Dear Mr. Wattson:

This is in response to your most recent invitation. Because of my absence for a day or so, I have just learned of your request on behalf of Senator Ember Reichgott-Junge, Chairperson of the Subcommittee from the Committee on Rules and Administration.

My reaction to your invitation now is that I would be willing to meet but not at that time. The chairperson has compromised herself by political activity into Senate District Eight. For some time she has been promoting and advising with relation to Senate candidate opposition to me. I do not deny that she has this prerogative as an individual; however, when she simultaneously urges appearances before her committee so that it fits in to aid the persons she is urging to oppose me, it appears to me to be a rather flagrant ethical violation.

Therefore, it appears, the most appropriate time for a sub-committee meeting on the subject, would be at a time when it would not be tainted with a "political" agenda.

Consequently, I pledge that I will meet with the sub-committee, at any place, at any time, starting with the first day after the election process is completed.

Respectfully,

Senator Florian Chmielewski

cc: Senator Dennis Fredrickson
Senator Roy Terwilliger
Senator Steve Novak
Senator Ember Reichgott-Junge
Former Chief Justice Sheran
Former Chief Justice Amdahl

MINNESOTA SENATE

SUBCOMMITTEE ON ETHICAL CONDUCT

CONDUCT OF SENATOR FLORIAN CHMIELEWSKI

SUBCOMMITTEE DELIBERATIONS

Transcribed September 10, 1996

Opening statements by Senator Reichgott Junge:

SENATOR REICHGOTT JUNGE: The Senate Subcommittee on Ethical Conduct will come to order. We are, at this time, missing one of our members who indicated that he will be arriving a few minutes late, and Justice Sheran has indicated that he will be able to join us later, about 10 o'clock today. We are hopeful that he can join us, because we always try to work together with the four members present. What I'm going to suggest is that we make some initial comments for the record, that Mr. Wattson can review with us some of the information he has given us in the interim, including a memo regarding possible sanctions that can be imposed, and then if he still hasn't arrived, we will begin going through the proposed findings of fact, because he has reviewed those previously.

So, first thing that I would like to do, however, is our standard introductions. The record today is being recorded by a court reporter whose name is Chris Grover. She's back and we thank her for her service. She turned around the transcript of the last hearing very quickly and that is available if needed. The members of the subcommittee include, to my far left there, Senator Roy Terwilliger, a Republican from Edina; Senator Dennis Frederickson, the ranking minority member of the subcommittee from New Ulm; secretary, Marcia Seelhoff; I'm Senator Ember Reichgott Junge from New Hope; and then our counsel, Peter Wattson. Senator Steve Novak of New Brighton, a Democrat, will join us, and we are a divided committee of two Democrats and two Republicans. As in the past, we have always tried to come to a resolution of our meetings and our actions on a bipartisan basis with a unanimous, consensus vote. We hope to do that again today but we will have, I'm sure, a healthy discussion to get there.

I would like to state for the record, first, how we got here. I stated some of this in the last hearing, but I think it's important that it be restated here. There have been concerns raised by the subject of the complaint, Senator Chmielewski, as to the timing, so I think it is very helpful to go through the timing as to the filing of the complaint and our hearings and actions throughout.

In December of 1995, shortly after Senator Chmielewski pleaded guilty to a gross misdemeanor charge regarding phone misconduct, Senator Moe filed a request with the Senate Ethics Committee to look into the matter and make recommendations to him. Our Senate rules

allow any member to ask for that advice from the committee. On the first day of session, the subcommittee received a formal complaint against Senator Chmielwelski for misuse of the phones filed by two Republican senators; Senator Dean Johnson, the Minority Leader, and Senator Tom Neuville. The subcommittee began immediate work on the complaints and gathered written documentation of Senator Chmielewski's guilty plea and documentation supporting that and indeed, talk with Senator Chmielewski about scheduling a hearing on January the 3rd, at that time we had other complaints before the subcommittee and we had hoped to deal with all them at the same time. In a personal telephone conversation with Senator Chmielewski, he indicated that his wife was ill, was going to have surgery, and could we delay that proceeding. After consulting with Senator Frederickson, we agreed, out of compassion to the health of this wife, that we delay the proceeding. So we delayed it until the 9th of January. At that time we received a request from Senator Chmielewski's attorney asking us to again delay the proceeding because the criminal sentencing had not taken place and the attorney was concerned that perhaps some of Senator Chmielewski's due process rights might be jeopardized by our proceeding. Once again, Senator Frederickson and I conferred and we agreed to grant the request as an accommodation to Senator Chmielewski. Because the judge was ill in the matter, the sentencing was delayed then several more weeks, again, we — at the — because of the earlier request of the counsel to Senator Chmielewski agreed to delay until that sentencing date which was in early February. I believe a day or two before the sentencing was to occur in Ramsey County District Court in February, Senator Chmielewski, through his attorney, then moved the court to continue the criminal proceedings until after the Legislature adjourned. Once the Legislature — ah, no excuse me — so the judge then was going to take this motion regarding whether or not he could impose sentence while Senator Chmielewski was in session. Senator Chmielewski's motion challenged the judge's ability to do so because of legislative immunity. When that motion was filed by Senator Chmielewski, Senator Frederickson and I again conferred and came to the conclusion that even if the judge granted the motion to extend the sentencing until after the legislative session, that we, as an ethics proceeding, would proceed so that we could conclude our proceedings during the session. We announced that publicly. The next day

Senator Chmielewski suffered a mild heart attack, from what I understand, and then went into bypass surgery several days later. Senator Chmielewski did not return to the session after that and filed an excuse with the Secretary of the Senate to be excused from session. Once again, out of deference to the health of Senator Chmielewski and with the hope that he would have a good recovery, we did not pursue the matter at that time. After the close of the legislative session, Senators Roger Moe and Dean Johnson, the Majority Leader and Minority Leader, sent a letter to Senator Chmielewski requesting that he voluntarily appear before the Senate Ethics Committee. For many weeks he did not respond to that request and then finally in a letter dated — then on a letter dated May 30th of 1996 Senator Moe wrote Senator Chmielewski asking that he identify several dates before June 22nd when he could be present to give testimony before the subcommittee. He did not meet that deadline and instead indicated that he would not appear here today or before any of the hearings of the subcommittee.

So, I think the record is clear and does reflect that this is indeed a continuation of the hearing that was set on January the 9th. That the subcommittee had begun work on this matter in early January and that this is a conclusion of the proceedings on the complaint filed against us at that time. It is our duty as a subcommittee to act on all the complaints that come before us, and that is what we intend to do today. Hopefully, that clarifies the record and I believe explains the timing of the situation, and at this point I would yield to Senator Frederickson as to any comments on the timing.

SENATOR FREDERICKSON: Madame Chair, I think you accurately portrayed the time sequence we're in and when the events occurred. By my memory and also looking at the letter from Senator Roger Moe, the Majority Leader, it was December 12th when he asked us for an advisory opinion and that's when we and our staff, Peter Wattson, started looking at Senator Chmielewski's situation. And then on December 20th, in a formal complaint from Senator Dean Johnson and Senator Tom Neuville, we knew that we had a formal complaint before us. That is when they signed a letter notarized by Senator Gen Olson that there was a formal complaint and at that time we began in earnest to collect information and investigative material to begin a hearing with Senator Chmielewski to determine what actually had happened and if there were

Senate rules that were violated and by my recollection we were fully prepared to proceed with the hearing on January 9th and have this matter behind us, we hoped, as I recall, before session began. And it was through some unfortunate situations in Senator Chmielewski's life and at his request that we delayed the hearings and were not able to complete them before the session adjourned so this one matter continued after we did adjourn the legislative session. It was from a complaint that was formally filed in 1995 in fact, and those are the only comments that I would like to add to what you've already said.

SENATOR REICHGOTT JUNGE: Counsel, any other corrections or additions to the process at this point?

PETER WATTSON: No.

SENATOR REICHGOTT JUNGE: So, I would just make this statement, that I believe that the concerns raised by Senator Chmielewski as to the timing of the proceedings are unfounded by the facts as set forth in the record.

At this point, I would like to ask our counsel to review his memo, which he has provided to the committee, regarding the possible sanctions that we can review today. I was just going to-- and this is really only for background, members, so that when we do the findings, Senator Novak can be here for as much of that as possible.

PETER WATTSON: Okay. Madame Chair and members, you should have a memo from me dated today entitled "Sanctions not Requiring Senate Action." As it says, you've asked me to identify sanctions that might be imposed without action by the full Senate, since the Senate has now adjourned sine die and is not in a position to take any action on this matter. The first thing you asked me to look at was some form of censure, and I note that in the past, before 1995, the role of this subcommittee was to make recommendations directly to the whole Senate on disciplinary action. If that were still the case, it might not be possible for the subcommittee to get anyone else to take any action since the full Senate is not around, not available, but in 1995, the Rule 75 was changed to direct the subcommittee's recommendations to the Committee on Rules and Administration. That change was made in recognition of the past practices of the subcommittee that had included making its recommendations first to the Committee on Rules

and Administration, which then forwarded them to the whole Senate. That role then, of the Rules Committee in disciplinary proceedings, has been ratified and recognized by the whole Senate in that 1995 amendment to the rule. Accordingly, I believe that action by the Committee on Rules and Administration to impose some kind of a censure, denunciation, condemnation would be appropriate. It would be within the authority of the Rules Committee. It would not have the same force and effect, coming from a committee of only about 27 members, as would a condemnation or censure or reprimand by the full Senate, but it still would have, perhaps, more force than a recommendation just coming from this four-person subcommittee. So it's something that may be worthwhile considering. The second thing you asked me to check into was the possibility of removing Senator Chmielewski from one or more of the committees on which he now serves. In the past, appointments to standing committees had been made only by the whole Senate by adopting a resolution at the beginning of the session and amending that resolution from time to time after that to account for people's desires to change committees. There was authority given to the subcommittee on committees to appoint conference committees and interim committees and commissions and to fill vacancies in standing committees that might arise during the interim, but the subcommittee on committees had no authority and still has no authority to remove a member from a committee. A significant amendment was made to Rule 56 in the 1995 Session that gave authority to the chair of the Rules Committee, after consultation and advice from the Minority Leader, to either add to or delete from committee membership individual members. With that change, I believe there is authority for the chair of the Rules Committee, acting on recommendation of this subcommittee and perhaps on recommendation of the whole Rules Committee, to remove Senator Chmielewski from one or more of the committees on which he is now serving.

A third kind of sanction you asked me to look into was the denial of reimbursement for various kinds of expenses. The salary of a member is set in law and it's not within the purview of this committee or the Rules Committee to make any change in that. But expense reimbursements are delegated by section 3.101, to the Committee on Rules and Administration, which decides what kinds of items are reimbursable and the rate of reimbursement. I've

included, with the memo, a copy of the reimbursement policies adopted for this interim by the Rules Committee at its meeting on March 26th. It covers per diem, mileage, lodging, telecommunications, and expenses to attend meetings, conferences, and seminars. Given that plenary authority of the Rules Committee to establish these reimbursement categories and reimbursement rates, I believe it would be within the authority of the Rules Committee to deny to a member certain privileges for reimbursement where the member had been found to abuse the privileges of membership provided that the punishment bears some reasonable relationship to the offense committed.

A fourth item you asked me to check was a denial of access to various administrative services, and one service in particular that you were interested in was the long-distance telephone system. That's not provided for in any Senate rule or in any policy of the Rules Committee. It's simply a service that's provided by the Secretary of the Senate under the general direction of the Rules Committee. It changes from time to time as technology changes and as the needs of the members change. If a member of the Senate such as Senator Chmielewski has been found by this committee to have abused the privilege of using some of those administrative services such as the telephone system, I believe it would be within the authority of the Rules Committee to direct the Secretary of the Senate to deny him access to it.

The final area you asked me to check into was the possible loss of seniority. Seniority in the Minnesota Senate is treated considerably differently from seniority in Congress. There, many things are decided based on seniority and seniority is very strict. People move up in lock step up a ladder on a given committee and when they reach a certain point in their seniority they're pretty much guaranteed a committee chairmanship of a particular committee because of that seniority. The Minnesota Senate used to operate that way but within the last 20 years or so, 25 years, seniority has been given considerably less weight than that. Now its primary use is in determining which members will be eligible to become chairs of standing committees or of committee divisions, but seniority does not really play a role in deciding who will be chair of what committee. That's more of an open competition and the choices are made not by automatically moving up rungs of a ladder but by the decisions of an organizing committee of

the majority caucus and of the Rules Committee and the whole Senate.

What we would be contemplating today would be a recommendation by this subcommittee to the organizing committee that would be formed after the November election. If there's considerable carryover between the membership on the current Rules Committee and the membership on the future Rules Committee and the organizing committee, then I should think that the recommendations of this year's Rules Committee would carry great weight with the organizing committee. If there is considerable turnover, then the new people who are appointed to the organizing committee may pay considerably less attention to the recommendations of the members who are sitting here today and would be sitting on the Rules Committee between now and November. So it's a little bit more ify what the impact of that recommendation would be, but assuming some continuity, I believe that the recommendations, if made by the Rules Committee, would be given serious consideration by the organizing committee, since the organizing committee's recommendations in turn come back to the next Rules Committee before going to the whole Senate for adoption.

SENATOR REICHGOTT JUNGE: And, counsel, the question has arisen as to what sanctions we cannot impose at this point and maybe you could talk about what sanctions are not possible for us to consider today.

PETER WATTSON: Madame Chair, one sanction that's really out of order would be the sanction of expulsion, because that is something that can be done only by a two-thirds vote of the whole Senate. Another sanction would be any change or loss of salary, because that's really not within the purview of even the whole Senate. That's something that's set by law.

SENATOR REICHGOTT JUNGE: Thank you Mr. Wattson. That gives us a sense then of what can be done. I would just add that I think that we as a subcommittee have a duty to make the findings and the recommendations and then at that point the report would then just go to the Rules Committee, the report of the committee, and they then could choose to act on it or not act on it depending on what those recommendations might be. Okay. Are there any questions at all about the sanctions? All right. Then at this point, Mr. Wattson, I would like to then start into the findings — perfect — the draft findings that have been distributed to the members of the

subcommittee and that, I believe, have been distributed to all members ahead of time as well as Senator Chmielewski, is that correct counsel?

PETER WATTSON: Madame Chair, I have faxed this memorandum and — or letter — and the draft findings of fact to Senator Chmielewski's attorney, Mr. Ryan. Mr. Ryan called yesterday to say that he had received them but that he had not yet been able to speak with Senator Chmielewski about them, that before he received these materials the Senator had gone up to Chisholm to participate in an event at Ironworld for the next five days, and Mr. Ryan didn't know whether Senator Chmielewski would be calling him or not. So, as far as I know, the Senator has not seen this draft, although his attorney has, and Mr. Ryan said that he did not feel free to come and attend the hearings without authorization from Senator Chmielewski and, as you know, Senator Chmielewski had indicated by a letter to the committee earlier that he would not be attending.

The draft findings then start with number one, indicating the years when Senator Chmielewski was elected, and that he currently represents District Eight. The various numbers here start with the different people who were given access to the Senate's long distance telephone access code and then describe the use that they made of that access code. The first person, number two is Senator Chmielewski, who used the code to call Duane Warcol, a member of his polka band for over seven years, and Mr. Worcol says the calls were related to the polka band not to Senate business. Senator Chmielewski, on the other hand, says the calls were related to a workers' compensation claim Mr. Worcall had because of a back injury.

Paragraph number three is the use made by Senator Chmielewski's wife, Patricia Stolquist Chmielewski, that she had given the code to her sister, MaryLou Harrison, about December 1990, and that Ms. Harrison used the Senate's code to call her sister in Vacaville, California, two sons in Dayton, Ohio, and cousins in Menomine Falls and Waukesha, Wisconsin. She also used it to call her brother Terry Stolquist in Mora, Minnesota and her sister Patricia. None of these calls were on Senate business.

Number four relates to calls made by Florian Chmielewski, Jr. Senator Chmielewski says he does not know how his sons obtained the telephone access code. Florian Jr. used the code to

make calls from Mesa, Arizona and Las Vegas, Nevada, to Steve Peterson of Elk River, with whom he had worked on sheetrock jobs. That was the subject of their discussion, not Senate business.

Paragraph number five is Senator Chmielewski's providing the access code to his son Mark. Mark used the code to call Duane Worcal and also used it to call his wife's relatives in North Pole, Alaska. Twelve of those calls were made from his home and one was made from the home of his sister-in-law, Leona Jurek. The calls were not on Senate business.

SENATOR NOVAK: Madame Chair.

SENATOR REICHGOTT JUNGE: Senator Novak.

SENATOR NOVAK: On procedure. I believe this is all information that we've all had and presumably read and is already on the public record. I think there's several pages of the same kind of thing. Do you think it's necessary to read everything?

SENATOR REICHGOTT JUNGE: Do the members feel comfortable having had — have members had sufficient time to review them that we can dispense with the reading of the findings? All right, we will do that.

SENATOR FREDERICKSON: Madame Chair.

SENATOR REICHGOTT JUNGE: Senator Frederickson.

SENATOR FREDERICKSON: Perhaps rather than going through them in detail, maybe Mr. Wattson could summarize them without — because I think we all have read them and we've read the investigative reports maybe a few times, but it might be helpful just to go through a summary of each incidence rather than the detailed account.

SENATOR REICHGOTT JUNGE: Mr. Wattson, perhaps just the highlights.

PETER WATTSON: Madame Chair, then on paragraph six, that relates to the use made by Senator Chmielewski's daughter, Patricia Chmielewski Devitt, calls to the East Coast and the West Coast and a considerable number of calls to Vancouver, British Columbia.

Number seven relates to the calls made by the Senator's son Jeffrey Chmielewski.

Paragraph eight details the three different times that Jeffrey Chmielewski got access to the new access code and made use of the system even as the system was changed and new codes

were issued, Jeffrey Chmielewski promptly began using the new codes.

The remainder details the various personal and business uses that Jeffrey Chmielewski made of the Senate's telephone system, particularly related to his business known as The Gambler.

Paragraph H on page 4 describes how Jeffrey Chmielewski first responded to investigators by lying to them about his use of the system and only after persistent questioning did he begin to tell the truth.

Paragraph I describes the letter that was on old stationary issued to Senator Chmielewski and sent to the A.C. Coin & Slot Company in New Jersey. And the finding here is that the letter appears to be a forgery.

Jeffrey Chmielewski has pled guilty to theft of communications services, a gross misdemeanor, and agreed to pay restitution of $1,141.78. Even after the Senate system changed and members were required to sign on each phone bill that they approved of the calls and that the calls were legitimate, Senator Chmielewski charged to the Senate calls that were personal rather than on business; a total of 191 calls identified by the Ramsey County investigators.

SENATOR NOVAK: Madame Chair.

SENATOR REICHGOTT JUNGE: Senator Novak.

SENATOR NOVAK: Do we have an accumulated total on those calls? A total amount of money of personal calls, the 191?

PETER WATTSON: Madame Chair, Senator —

SENATOR REICHGOTT JUNGE: Mr. Wattson.

PETER WATTSON: — Novak, I don't have before me what that total is. I think it could be calculated, but I don't have it.

SENATOR NOVAK: Madame Chair, the reason I bring it up —

SENATOR REICHGOTT JUNGE: Senator Novak.

SENATOR NOVAK: — is I just want to make sure that I understand the connection of all these calls. I understand all of the issues involved but — would those be the calls that Senator Chmielewski personally and exclusively made for his own personal behalf as differentiated from

family member calls?

PETER WATTSON: Madame Chair, Senator Novak, no, I don't believe so. The detail on the calls is in the information provided by Mr. Ryan, his fact brief, that he submitted to the court where there is a detailed listing of every call, the date, the time, the person to and from, and the dollar amount, and if you look at the calls that were made in that Spring of 1994, they involve various members of the Chmielewski family to and from. It was not just the Senator, it was other family members who were making the calls.

SENATOR NOVAK: Right, I'm aware of that. Madame Chair —

SENATOR REICHGOTT JUNGE: Senator Novak.

SENATOR NOVAK: — that was my point. I was trying to differentiate calls originated by Senator Chmielewski presumably for his personal, not Senate use, as differentiated from family member calls, what that total was. In other words, as I understand it, and from what I've read and heard, in testimony, the total bill when you add all the calls together is something over $4,000. What I was trying to establish was how much of that total for calls originated by Senator Chmielewski for presumably personal or business use versus Senate business, whether that figure existed.

PETER WATTSON: Madame Chair, Senator Novak, the only call made by Senator Chmielewski and categorized as nonbusiness was that one to Duane Worcall that I had told you about. The detailed would list somewhere what the value of that is, but I don't know what it is. All the rest of it, virtually the entire amount, is calls that were made by his family members and their friends and charged to the Senate. The different thing about the calls in April, May, and June of 1994, they were made by members of his family, not by him, but he signed the bill that said that all those calls by his family members were on Senate business, whereas the court found that they were not.

SENATOR REICHGOTT JUNGE: I might just add though, Senator Novak, that this is a similar situation to the previous case, is it not, because Senator Solon hadn't made a lot of those calls himself but he had given the access code to others and so I think the issues are the same.

SENATOR NOVAK: Madame Chair.

SENATOR REICHGOTT JUNGE: Senator Novak.

SENATOR NOVAK: That is another issue that I have been trying to track in terms of comparatives here and maybe I could ask the question — I think I recall, from recollection, that the combined number of calls, the value of the combined number of calls, of Senator Solon's case or cases exceeds the combined amount of money involved in the Chmielewski case, is that correct?

SENATOR REICHGOTT JUNGE: Mr. Wattson.

PETER WATTSON: Madame Chair, Senator Novak, that's correct. The total for which Senator Solon has reimbursed the Senate is $5,431, whereas the total between Senator Chmielewski and his son Jeffrey was $4,873.10.

SENATOR NOVAK: Thank you.

SENATOR REICHGOTT JUNGE: All right. And obviously the members have responsibility for the use of the code by the other people to whom the code is given. Okay — and for those that it might not be given to, I guess. All right, Mr. Wattson, could you proceed.

PETER WATTSON: Madame Chair, then paragraph ten describes the efforts of Senator Chmielewski to obstruct the Ramsey County Attorney's investigation by steering them away from people and denying knowledge of the use that was being made of the telephone system.

Paragraph 11 and following describe the court proceedings whereby Senator Chmielewski pled guilty to the gross misdemeanor of misconduct of a public officer, and the procedural steps that were taken in the Senate to bring the complaint before this committee and the various delays that have occurred, as you outline at the beginning of the meeting today.

On page 7, on line — paragraph 21, it identifies the restitution of $297.38 that Senator Chmielewski made on April 18th, and paragraph 28 identifies the $3,543.91 that Mrs. Chmielewski paid to the Senate on June 14th.

SENATOR REICHGOTT JUNGE: Thank you. Are there questions on the findings, proposed findings as discussed by Mr. Wattson? At this point, let me ask in the audience if there is anyone here representing Senator Chmielewski who would like to provide input as to the findings? Again, we have submitted a number of invitations to Mr. Chmielewski to be here to

participate and he has declined to do so. All right, then members if there's no questions on that, is there any — is there a motion to adopt the findings that —

SENATOR FREDERICKSON: Madame Chair, I would move to adopt the findings.

SENATOR REICHGOTT JUNGE: Now Senator Frederickson you recall that the work of this subcommittee in the past has required a standard of clear and convincing evidence to adopt the findings, so would you perhaps restate your motion to include the standard subcommittee.

SENATOR FREDERICKSON: Madame Chair, I would move to adopt the findings and -- with the standard of clear and convincing evidence that these things did occur and that they are factual by that standard.

SENATOR REICHGOTT JUNGE: Is there discussion on the motion? Seeing none, we will come to the vote. Counsel, do we need roll calls on the findings or is it just on the sanctions?

PETER WATTSON: Just on the sanctions.

SENATOR REICHGOTT JUNGE: All right. Then we will go to the vote. All those in favor of the motion by Senator Frederickson say "Aye."

SENATORS FREDERICKSON, NOVAK, AND TERWILLIGER: "Aye."

SENATOR REICHGOTT JUNGE: Those opposed say "No." The motion does prevail on a vote of four to zero. All right. At this point then, we will then move to the proposed or discussion of the sanctions.

Members, as we have done throughout this process and all of the different proceedings that have come before us, any of the debate or any of the decisions regarding process or recommendations have been made by a group of us, not just myself, but I have conferred in this case, again, with Senator Frederickson, who is the co-chair, ranking Republican, on the committee. In addition, we have conferred with Chief Justice Sheran, our counsel and advisor, and we have conferred with Mr. Wattson. It is the recommendation of this group, together, that we have followed in the process from both, from January to now, as well as in the formation of these recommendations as sanctions. These recommendations are only that, members. We are presenting these for your consideration and if, in fact, they deserve debate then we will do that.

My hope today is that the subcommittee will work together as we always have in the past so that our final recommendations for sanctions against Senator Chmielewski will be unanimous and approved on a vote of four to zero as all of our other recommendations have been. So with that caveat, we propose these only for the subcommittee's consideration and I would ask Senator Frederickson then to make a motion and discuss the recommendation.

SENATOR FREDERICKSON: Madame Chair, I believe we have a draft. Do all members have this draft dated —

SENATOR REICHGOTT JUNGE: I believe the members have, yes.

SENATOR FREDERICKSON: — 6/27, 9 a.m. Madame Chair, these are some sanctions that you and I have discussed with Peter Wattson, Senate Counsel, and I would move their adoption to bring them before the subcommittee. Madame Chair, do you want me to proceed by going through these point by point or would you rather have Mr. Wattson?

SENATOR REICHGOTT JUNGE: Why don't we have Mr. Wattson first review them. The motion is before us. The motion is subject to amendment and that may well occur, but first let's just get the entire package suggestions before us so that we will have the same sheet to work from. Mr. Wattson.

PETER WATTSON: Madame Chair, finding number one, or sanction number one is just a finding that the conduct of Senator Chmielewski was criminal. I think that goes without saying since he has pled guilty, been convicted, and then sentenced on that conduct.

Finding number two is affirming the action that he took earlier, back in December, to resign his position as chair of the Committee on Transportation and Public Transit and as president pro tem of the Senate. That the subcommittee feels now, having looked at the entire situation, that the action that he took at that time was appropriate.

Third, that his conduct, both in providing the number to the members of his family and enabling it to be used for various criminal purposes, should be condemned and also that his conduct in refusing to appear before the subcommittee to answer its questions about his conduct should likewise be condemned.

Paragraph four relates to various privileges of a member as we discussed earlier in

connection with the memorandum on what might be done by way of sanctions without a vote of the entire Senate.

Paragraph (a) would deny him the use of the Senate's long distance telephone system when away from the capitol. That would mean canceling his credit card so that his personal access number would no longer work to get into the Senate's system. He would still be able to make long distance calls from the capitol and he would still be able to charge calls on his home phone and request reimbursement. Reimbursement, as you may recall from the reimbursement policies that were adopted in March, is limited to $100 a month. Currently, a member has a choice on that reimbursement to submit a list of the calls and vouch that they are business calls and treat that as a tax deductible business expense, or the member cannot submit any voucher and treat it as ordinary income for tax purposes.

Paragraph (b) would require that if Senator Chmielewski did desire to request reimbursement for those telecommunication expenses, he would have to submit an itemized list that shows the business purpose of each call, but need not identify the name of the person called.

Paragraph (c) is a recommendation that he be removed from membership on the two standing committees on which he now serves. This would also include removal from the divisions of those committees on which he sits and any subcommittees of those committees on which he may now sit.

Paragraph (d) would deny him reimbursement for lodging expenses. Under the policy adopted in March, each member is entitled to request reimbursement for up to $700 in expenses for renting an apartment during the interim or during the session. Since January, when Senator Chmielewski left the Senate, and has since not returned, he has not requested any reimbursement for his lodging, and I'm told by the people in the Fiscal Services Office that he notified them orally that he has canceled his lease with his son, Mark, for that property, so he has not been seeking any reimbursement for lodging expenses since January. This would deny him any possibility of seeking that reimbursement in the future for the balance of this term.

Paragraph number five is the direction to the organizing committee for the 1997 Session. Again, we discussed that in connection with the memorandum on possible sanctions that could

be imposed without action of the full Senate. This would deem him to be a first-term member, and the practical impact of that, primarily, would be that he would probably not be considered by the organizing committee as one of the members eligible to be the chair of a full committee. First-year members may be chairs of subcommittees, they may have other significant responsibilities, but they're not normally made the chair of a full standing committee. The second impact that that might have would be on his choice of office space where generally members are allowed to choose their office in the order of seniority. That is affected also by what committee they may be the chair of, that the people who are committee chairs get to choose their committee suites, suitable spaces for their committees. So this would put him down the pecking order a bit on selection of an office for the 1997 Session.

SENATOR REICHGOTT JUNGE: Thank you, Mr. Wattson. Again, these are just recommendations for discussion. I think the best way to go through these, members, would be to just go by number-by-number and see if there are concerns or amendments to them. I would assume that there would be no question about the first provision which basically says that the conduct of Senator Florian Chmielewski in providing the Senate's long distance access code to members of his family, made calls that were not on Senate business, was criminal. Is there any objection to that provision?

SENATOR FREDERICKSON: Madame Chair.

SENATOR REICHGOTT JUNGE: Senator Frederickson.

SENATOR FREDERICKSON: As I recall, between the findings and our recommendations in other cases, we have inserted a sentence finding that the actions brought disrepute to the Senate and I don't see that here.

PETER WATTSON: Madame Chair.

SENATOR REICHGOTT JUNGE: Mr. Wattson.

PETER WATTSON: Madame Chair and Senator Frederickson, you raised that point with me earlier this morning and I checked on some of the other resolutions and did not find that language, and I was trying to recall why that might be, either my poor eyesight or whether it wasn't there, and I think maybe it wasn't there because having made a finding that the conduct

was criminal, to say that it brought the Senate into dishonor and disrepute was — it sort of went without saying, and I think in the past cases from the U.S. Congress where they had made that kind of a finding, it was where there had not been criminal conduct, it was something less than criminal, and yet it still reflected poorly on the body, so there was a need to say that.

SENATOR REICHGOTT JUNGE: Did you wish to pursue an amendment?

SENATOR FREDERICKSON: Madame Chair, no. With that explanation I do not.

SENATOR REICHGOTT JUNGE: Then the second recommendation is that Senator Florian Chmielewski's decision to resign as chair of the Committee on Transportation and Public Transit and as president pro tem of the Senate was an — be an appropriate disciplinary action. Is there any objection to that? Senator Terwilliger.

SENATOR TERWILLIGER: Madame Chair, no objections, I just raise a question that Senator Chmielewski, at one point, was on the Rules Committee and then is no longer on the Rules Committee and as it was as a result of this type of activity. I wonder if that wouldn't be the appropriate spot at which to also mention that that, in addition to the resignation as chair of the Transportation Committee, that also took place.

SENATOR REICHGOTT JUNGE: I think that should be added.

PETER WATTSON: Madame Chair —

SENATOR REICHGOTT JUNGE: Mr. Wattson.

PETER WATTSON: — and Senator Terwilliger, I think you're right about that and that removal from the Rules Committee did not occur as a result of his resignation letter on December 11th, and I guess I'm not sure whether he might have resigned orally or in a writing that I didn't get or whether he was removed from the Rules Committee. I wonder if anybody else — whether that was a resignation or a removal?

SENATOR REICHGOTT JUNGE: Well, I guess perhaps what we need to do is have a provision regarding the Rules Committee in there saying that either the removal or the resignation was appropriate.

PETER WATTSON: Madame Chair, I'll check on that and find out what it was and say that that action was an appropriate disciplinary action.

SENATOR REICHGOTT JUNGE: But I do know that he was not serving on the Rules Committee this last year. Okay, the third recommendation is that the conduct of Senator Florian Chmielewski, both in enabling the Senate's long distance telephone access code to be used for criminal purposes and in refusing to appear before the subcommittee on ethical conduct to answer questions about his conduct should be and hereby is condemned. Is there discussion on that one?

SENATOR NOVAK: Madame Chair.

SENATOR REICHGOTT JUNGE: Senator Novak.

SENATOR NOVAK: Question for the counsel. Do we have any law or rule that mandated his appearance before the committee?

SENATOR REICHGOTT JUNGE: Mr. Wattson.

PETER WATTSON: Madame Chair, Senator Novak, no.

SENATOR NOVAK: Well, Madame Chair, I've thought about this quite a long time and you know, I think that we have given every member who has come before this committee, and I'm not sure, but I may be the only one who has been on the committee through all six cases for two and a half years, maybe Senator Frederickson, and we did have one other example of someone who chose not to appear. I personally think that it was — if it was strategic, I think it was bad strategy on Senator Chmielewski's point, from his point of view. If I had had the opportunity to talk to Senator Chmielewski, if that had been appropriate, I personally would have advised him to appear. I can honestly say I have not spoken to Senator Chmielewski since early last winter. But I really question, even though our feelings may be hurt and we much would have preferred to have him come, it seems to me that this was a right of his to make a decision whether or not to appear. I personally think his case has been hurt by not appearing. I wished he had appeared, but I'm not so sure that that's an action or an inaction that leads to an action on our part and should be part of this particular sanction so with that explanation, I do have an amendment I'd like to offer and I would — the amendment would read that the conduct of Senator Florian Chmielewski strike the comma, strike the word "both" in enabling the Senate's long distance telephone access code to be used for criminal purposes, add the words "be

condemned." and I would strike the remainder of point number three.

SENATOR REICHGOTT JUNGE: All right, that amendment is before us, is there further discussion?

SENATOR FREDERICKSON: Madame Chair.

SENATOR REICHGOTT JUNGE: Senator Frederickson.

SENATOR FREDERICKSON: I'm wondering if Senator Novak would allow us to go through the whole, the whole package, and then come back to his amendment to see if there are other points where we disagree and maybe put them in one motion?

SENATOR NOVAK: Madame Chair.

SENATOR REICHGOTT JUNGE: Senator Novak.

SENATOR NOVAK: Senator Frederickson, I would be happy to do that. My understanding of the chair's direction is we were going to go point-by-point, but either way is fine with me.

SENATOR REICHGOTT JUNGE: Yeah, I thought it would be cleaner if we just went point-by-point, but — in other words, what other amendments might be coming —

SENATOR FREDERICKSON: Madame Chair, I would like to get a feel for the reaction of the full subcommittee to all of them —

SENATOR REICHGOTT JUNGE: All right.

SENATOR FREDERICKSON: — and then perhaps go back and do them point-by-point or maybe we can do it on one motion.

SENATOR REICHGOTT JUNGE: All right, why don't we do that and then that might help our discussion flow better at the end if we can just address all of the points at one time. So that is an amendment that Senator Novak is proposing to number three. Any other amendments to number three that anyone is proposing? How about on number four. Are there any amendments to number four? That is the privileges of the membership. Then on number five. Are there any proposed amendments to number five?

SENATOR NOVAK: Madame Chair.

SENATOR REICHGOTT JUNGE: Senator Novak.

SENATOR NOVAK: Counsel, is there any other case in the history of the Senate where this has been done?

PETER WATTSON: Madame Chair, Senator Novak, not that I am aware of.

SENATOR NOVAK: Well, Madame Chair.

SENATOR REICHGOTT JUNGE: Senator Novak.

SENATOR NOVAK: Counsel, my concern about this sanction prospective into the next legislative session relates more to Senator Chmielewski's constituents than it does to him, I guess, and maybe I could ask the counsel what the actual affect of this would be. Is this in the form of directions to whoever is the membership of the prospective new Rules Committee in 1997, and do you share any concerns from a constitutional, historical, any other prospective that this kind of a sanction would apply disproportionately to Senator Chmielewski's constituents and not just him personally?

PETER WATTSON: Madame Chair, Senator Novak, my main concern about this is the possibility of turnover of membership so that the people who are elected in November don't share the same view as the members of this subcommittee and the members of the Rules Committee so that they might ignore this recommendation. It's not one that can be carried out immediately by the current membership. So it's a little weaker than some of the others that can -- something can be done about those by the current membership. But, also in that regard, since it is a direction to a future body, in some ways it's a little less worrisome because they are more free to ignore it.

SENATOR NOVAK: Well, Mr. — Madame Chair.

SENATOR REICHGOTT JUNGE: Senator Novak.

SENATOR NOVAK: Counsel, I guess it's my view that we sort of have to worry about what's in front of us since we're being asked to take the action. I have a concern about where the line is drawn in terms of the impact on the person and the impact on the 70,000 people that he represents, and whether or not we can apply these kinds of things prospective into new legislative session. To make it simple, Madame Chair, I would move to strike number 5.

SENATOR REICHGOTT JUNGE: Senator Novak, would you — if the seniority issue

for next session is the problem, would you consider a compromise to have the seniority reduced for the remainder of this session?

SENATOR NOVAK: Madame Chair, I would, and let me further explain. I think there is a unique situation here, which frankly last spring I did not think was going to be the case, I personally was of the view point that Senator Chmielewski would make the decision not to run again, but I think if there's any concern about whether or not these issues are going to get fully discussed in the public's view, we have certainly done that in terms of these committee hearings, but I think the far more important court will be the 70,000 people who will have these issues fully aired, be able to reflect on them, and make judgments in not one but apparently two elections, because he has an active primary opponent and an active general election opponent, and I'm concerned, principally, on this issue, about the — really the rights of the 70,000 people that he represents and whether or not we truly have the authority to make this kind of an action or whether the action really makes sense in the literal term. So, it's on that basis that I would offer the amendment.

SENATOR REICHGOTT JUNGE: Maybe I can update Chief Justice Sheran, who we're very pleased and appreciative has been able to join us this morning as our counsel. Mr. Chief Justice, we have, as a subcommittee, adopted by clear and convincing evidence the findings of fact that have been distributed to you. That was on a vote of four to zero. At this point, we are reviewing the sanctions that you and Senator Frederickson and I and Mr. Wattson discussed, and before us now are two proposed amendments by Senator Novak. One to part three, which would amend part three to read only "that the conduct of Senator Florian Chmielewski, in enabling the Senate's long distance telephone access code to be used for criminal purposes, be condemned." and the reference to his refusal to appear would be eliminated. Then Senator Novak's other proposed amendment is to delete section five regarding the seniority issue. So, I think that brings you up to speed, and at this point, we'll open now for discussion on the recommendations as well as the proposed amendments. Senator Terwilliger.

SENATOR TERWILLIGER: Madame Chair, Senator Novak, question on your amendment on five where you're talking about seniority. How does removal of seniority

negatively impact a senator as far as their constituents?

SENATOR NOVAK: Well, Madame Chair.

SENATOR REICHGOTT JUNGE: Senator Novak.

SENATOR NOVAK: Senator Terwilliger, I think as a matter of actual practice and history related to the legislative process, it certainly has given Senator Chmielewski or anyone else some additional tools within the process to represent those constituents. So, I think it is a substantial penalty. It may be warranted. The counsel, based on his answer to my question, has said this has never been done before in the history of the Senate. My guess is that there's been some good historical reasons for that to apply this type of a penalty very judiciously, which I think that's the conversation we're having right now, and I just have — I don't know — I guess it isn't exactly a constitutional question, but I guess it is an institutional question about whether or not this subcommittee — whether or not this is an appropriate penalty to be recommended to the full Senate. I don't have a clear view on that, but on balance, I came down leaning against that and offered the amendment in that context.

SENATOR TERWILLIGER: Madame Chair, not to prolong this —

SENATOR REICHGOTT JUNGE: Senator Terwilliger.

SENATOR TERWILLIGER: — I'm not necessarily disagreeing with your amendment as much as I would like to understand the reason that we would make for it being discriminatory against someone's constituents because we did that. Is it because of staff?

SENATOR NOVAK: Well, Madame Chair, Senator Terwilliger, I don't suppose there is an absolute answer to this, but there would be a series of factors that in real life I'm sure that we all have learned to appreciate functioning in this legislative process. It would certainly, I would think, apply to staff if we presume that the people we hire are effective, it would presumably apply to another sanction that's already been given, which I support, in terms of completing the remainder of this term, which is the loss of chairmanship, and other kinds of things; membership on the Rules Committee, other kinds of things that clearly we have come to view as being points of substance in terms of a collective legislative experience that presumably gets translated in some various ways in terms of how we represent the constituents. So, the question I'm posing,

and I'm debating in my own mind too, and have for some time, is whether or not this sanction is exclusively of a personal nature to Senator Chmielewski or whether or not we're prospectively, for the future, denying those constituents, those 70,000 Minnesotans in that part of the state, a part of their representation. It's also colored by the fact, in my mind, that there's a good chance Senator Chmielewski may be defeated, and if the findings that we've made are fully aired in the public debate, which I presume they will be by his opponents, both in the primary and the general election, that clearly will resolve the issue. On the other hand, there could be an opposite result, and that would presumably tell us something too.

SENATOR TERWILLIGER: Madame Chair.

SENATOR REICHGOTT JUNGE: Senator Terwilliger.

SENATOR TERWILLIGER: The reason I raise this point, as I suspect part of this is dealing with staff, amount of staff, and I want to make this point not to inject any partisanship into this, but to inject the concern I've always had for fairness from one senate district to the next. If you're a member of the majority without chairmanship or seniority, you have one staff person. If you are a member of minority, you have one-half staff person. My point is, if this is deemed to be discriminatory against his constituents and that's the reason we would not wish to do that, how do you think the other members who happen to sit in the minority perhaps are viewed, are they not being discriminated against then by this action because what we should have, frankly, if we're really — if our concern is truly about discrimination against constituents in the state, everybody should — unless they have committee chair responsibilities, should receive the same size of staff, because you can make a strong case no matter if you're in Sturgeon Lake or in Minnetonka, your constituents should receive the same amount of staff services. So I want to make that point that I don't necessarily disagree with the removal of the — or changing and am certainly willing to listen to the change in that, I would like to make this point very strongly, that I think that the Rules Committee and this committee be mindful that at the present time there is discrimination between majority and minority as to size of staff and so as we look at this, we need to keep that in mind.

SENATOR REICHGOTT JUNGE: Senator Novak.

SENATOR NOVAK: Well, Madame Chair, Senator Terwilliger, I mean you make a very good point. You and I would probably be closer on this than you might imagine in terms of how I personally would organize the Senate if I was in charge, but I'm not. Although I counter to that somewhat, as you know, is the Senate has reflected that discrepancy, presumed discrepancy, through the creation of nonpartisan staff; people like counsel here assigned to all the committees for presumably proportionate use by all members of the Senate regardless of party and also various types of research capabilities and of course the minority has historically also been allowed to hire substantial staff who presumably do a good job, and if anything, I think over the years that discrepancy has narrowed not widened under Senator Moe and the current Rules Committee. So, I just raise that issue.

SENATOR REICHGOTT JUNGE: Okay, any further discussion then on the overall package here? Senator Frederickson.

SENATOR FREDERICKSON: Madame Chair, Senator Novak, I was going back and looking at your first offer to amend on number three and I feel there should be some recognition that Senator Chmielewski chose, for whatever reason, to not appear before this subcommittee, and that is very disappointing and troubling to me because as you well know we all know each other very well in the Senate, we're appearing before colleagues and probably in every instance appearing before colleagues and friends. I would like to have some recognition of that in these findings, and I was — my question is, would you be comfortable with amending number three as you suggested but then perhaps after number two on another point inserting something that's similar to this: Senator Chmielewski's refusal to appear before the subcommittee is extremely disappointing and a deplorable response to the repeated invitations by the subcommittee to appear.

SENATOR NOVAK: Well, Madame Chair, Senator Frederickson —

SENATOR REICHGOTT JUNGE: Senator Novak.

SENATOR NOVAK: — I'm not sure about the use of the word "deplorable," but other than that your statement would reflect my personal view and the Judge wasn't here at that point but maybe, if I might, I'd just like to repeat my explanation of my concern for the Judge. I had

mentioned that I have not personally spoken to Chmielewski, Senator Chmielewski, since very early winter, but if I had and had been in a position to give him advice, which is not my role, I would have suggested that he should appear. For whatever reasons, he has chosen not to. I think that was a poor decision on his part. I think he would have served himself and the Senate better if he had appeared, but on questioning of the counsel, just for the record, it's clear that there is no law or rule that mandates he has to appear, and so it just struck me that including the language of condemnation for not appearing when he chose under the rules not to didn't seem to be something that should be condemned. I think an expression of disappointment on the part of those of us on the committee is something that I surely would share. I also think it was poor judgment on his part, from his own point of view, but that's the context of my amendment and the reason for my concern.

SENATOR REICHGOTT JUNGE: I would just add, Senator Novak, that because of your concern, because there is no requirement for him to come before the subcommittee, that's why I feel that we really shouldn't subpoena him. His opportunity to appear is really for his own benefit. It's an opportunity for him to clear the record. It's an opportunity for him to give his side of the story, and an opportunity to respond to the allegations in the complaint filed against him. He has chosen not to appear to give us his side of the story and therefore we have taken the record as it is and made our recommendations. So given that, I'm not sure that disappointed is exactly what I think covers that. I'm disappointed in the sense that it didn't allow us to hear his side, and I also think it's — it goes to not just the subcommittee but to the whole Senate and the process that we have set up. As a precedent, I don't know of any other member who has been invited and requested to come before here that has refused to cooperate with the subcommittee here or in the House. We have had the instance of Senator Chandler who indicated he didn't think it was necessary and we agreed, and he appeared by letter. So this is a fairly significant departure from our norm, and it is made more significant by the fact that we are merely asking him to give us his side. So I am concerned. Now, I'm very open to looking at some compromise language and maybe Senator Frederickson's language is going in the right direction, but again, I'm more than disappointed. I think, in a sense, that this has been a refusal to respect the

authority of the subcommittee and the process, and I'm not sure how we would word something like that but I do have a significant concern about this one.

SENATOR NOVAK: Well, Madame Chair —

SENATOR REICHGOTT JUNGE: Senator Novak.

SENATOR NOVAK: — I don't really want to prolong this and I'm really not trying to extend myself here to finch Senator Chmielewski in this case but more a collective view to the future, maybe we should change our rules to attempt to mandate members' appearances, but I mean — he — from his point of view, I presume he believes he has appeared through written transcript. I presume he believes he has appeared through various types of public discussions that have gone on. I have already stated I don't think that was good judgment on his part. I just don't know whether it's appropriate for us to condemn him for it since it wasn't a rule or a law. I'm not learned in the law, but — and all of the procedures, but it strikes me that that is a strategy or an application of the process that was open to him. It's not what we wanted. It's not what I wanted. I don't think it was good judgment on his part, but I'm not sure that it's appropriate for us to condemn him for it either.

SENATOR REICHGOTT JUNGE: Would censure be more appropriate for that? If we split this and had condemnation for the conduct and censure for that?

SENATOR NOVAK: Well, I mean — I'm just willing to let the point ride. I —

SENATOR REICHGOTT JUNGE: Senator Frederickson.

SENATOR FREDERICKSON: Madame Chair, the language I suggested as another point was Senator Chmielewski's refusal to appear before the subcommittee is extremely disappointing and is a deplorable response to the repeated invitations to appear.

SENATOR NOVAK: Madame Chair.

SENATOR REICHGOTT JUNGE: Senator Novak.

SENATOR NOVAK: I'll support that.

SENATOR TERWILLIGER: Madame Chair.

SENATOR REICHGOTT JUNGE: Senator Terwilliger.

SENATOR TERWILLIGER: I would support that as well. I think that to not mention

this in the recommendations to the Rules Committee I think would be erroneous on our part because I do think that — I recall the debate on the Senate floor last year and we were talking about recall, etc., there was a point made in which I really support that we have the responsibility to police ourselves and when a member fails to even give the appearance of wanting to participate in that process I think it really is a disappointment.

SENATOR REICHGOTT JUNGE: Umm as you —

SENATOR NOVAK: Madame Chair, I want to make clear —

SENATOR REICHGOTT JUNGE: Senator Novak.

SENATOR NOVAK: — clear for the record that I'm personally disappointed also. That's not the issue. The issue is whether or not a legal option to the person in question, which happened to be taken as an I don't know what, a strategy or whatever on his part, which I think was poor judgment on his part, whether or not that ought to be condemned, I question that.

SENATOR REICHGOTT JUNGE: Senator Frederickson.

SENATOR FREDERICKSON: Madame Chair, a question of where we're at procedurally. I believe Senator Novak had an amendment to number three and I would offer this as —

SENATOR REICHGOTT JUNGE: Thank you for getting me back on the track of procedure here. Senator Novak, did you withdraw your —

SENATOR FREDERICKSON: — well, he could — he, I think wants to amend number three, Madame Chair. Perhaps if he would go through that amendment with us I could offer either what I suggested as an amendment to his amendment.

SENATOR REICHGOTT JUNGE: Or did you wish to offer Senator Frederickson's language Senator Novak?

SENATOR NOVAK: Well, tell me if I'm wrong, Madame Chair, but I think where we were at is that I had offered an amendment to point number three, and if that were passed, point number three would simply say that the conduct of Senator Florian Chmielewski in enabling the Senate's long distance telephone access code to be used for criminal purposes be condemned period. I think that's a statement we all support. That could be number three and then we would

take up Senator Frederickson's —

SENATOR REICHGOTT JUNGE: As number four.

SENATOR NOVAK: — amendment either to number two as he suggested or to number three.

SENATOR REICHGOTT JUNGE: Senator Frederickson.

SENATOR FREDERICKSON: Senator Novak, the language on that last line of number three is should be and hereby is condemned. Do you want to include that as the standard —

SENATOR NOVAK: Yes.

SENATOR REICHGOTT JUNGE: Okay, for criminal purposes —

SENATOR NOVAK: I think that was my —

SENATOR REICHGOTT JUNGE: — should be —

SENATOR NOVAK: — that was my intent.

SENATOR REICHGOTT JUNGE: — and hereby is condemned. Mr. Wattson, did you want to have something to say about this?

PETER WATTSON: Madame Chair, I would like to say something —

SENATOR REICHGOTT JUNGE: Mr. Wattson.

PETER WATTSON: — about the wording. That I actually prefer Senator Novak's wording and I only added that "should be and hereby is condemned" because the sentence was so long as it was referring to the two different things that a simple "be condemned" seemed to kind of stand alone and didn't read very well, but as he's taken out the second part of it, I think it is more forthright to simply say "be condemned" just as he has said and written it.

SENATOR REICHGOTT JUNGE: All right.

SENATOR FREDERICKSON: Madame Chair.

SENATOR REICHGOTT JUNGE: Senator Frederickson.

SENATOR FREDERICKSON: Then I would move to amend Senator Novak's motion to insert a new clause after number two "Senator Chmielewski's refusal to appear before the subcommittee is extremely disappointing and is a deplorable response to the repeated invitations to appear."

SENATOR REICHGOTT JUNGE: All right, yes. I — in hearing it again a couple of times it does, I think it does express my concerns. It sounded light because I was focusing on the disappointing, but I think in the context it does incorporate the concerns I expressed so I will support that as well. Shall we take a vote then on this portion of it because I think this has been a good discussion. Senator Frederickson.

SENATOR FREDERICKSON: Madame Chair, my motion was a motion to amend Senator Novak's.

SENATOR REICHGOTT JUNGE: All right.

SENATOR NOVAK: I renew my motion as amended.

SENATOR REICHGOTT JUNGE: So, we have Senator Frederickson's amendment to the Novak amendment first. On that amendment all those in favor signify by saying "Aye."

SENATORS NOVAK, FREDERICKSON, AND TERWILLIGER: "Aye."

SENATOR REICHGOTT JUNGE: Opposed say "No." Motion prevails on a unanimous vote. By the way, members I'm going to assume that all are unanimous unless I hear something from everyone, so I just want to make that clear for the record. If it's not unanimous please be clear about that. Then — now, we have the Novak amendment before us as amended by the Frederickson motion. Is there further discussion on the Novak amendment? Seeing none, all those in favor signify by saying "Aye."

SENATORS NOVAK, FREDERICKSON, AND TERWILLIGER: "Aye."

SENATOR REICHGOTT JUNGE: Opposed say "No." The motion is passed four to zero. All right. I think that was a good resolution of that one and now we have the last item before us which is the seniority issue, number five. Is there a discussion on that?

SENATOR FREDERICKSON: Madame Chair.

SENATOR REICHGOTT JUNGE: Senator Frederickson.

SENATOR FREDERICKSON: Senator Novak expressed some concern about that last issue, I believe.

SENATOR REICHGOTT JUNGE: Yes, he would like to strike number five.

SENATOR FREDERICKSON: Madame Chair, Senator Novak, would you consider

instead of striking it deleting the clause "if elected to the Senate for a term beginning in January 97" and on the next line deleting "of organizing the Senate to" and insert "of interim Senate appointments" so it would read "That Senator Florian Chmielewski be deemed for purposes of interim Senate appointments a first-term member."

SENATOR NOVAK: Yes.

SENATOR FREDERICKSON: I would move that amendment.

SENATOR REICHGOTT JUNGE: The motion by — well, again we had a motion here by Senator Novak to strike. I think it would be appropriate for you to withdraw that motion at this time or else vote on it one way or the other. Do you wish to pursue it?

SENATOR NOVAK: I'll withdraw it.

SENATOR FREDERICKSON: Madame Chair, I would offer the amendment I just —

SENATOR REICHGOTT JUNGE: All right, and would you restate that for the secretary please, Senator Frederickson.

SENATOR FREDERICKSON: Madame Chair, on item number five I would delete on the first line ", if elected to the Senate for a term beginning in January 97," I would delete "of organizing the Senate to" and insert "of interim Senate appointments" so that the last clause would read "That Senator Florian Chmielewski be deemed for purposes of interim Senate appointments to be a first-term member."

SENATOR REICHGOTT JUNGE: That amendment is before us. Is there further discussion? Seeing none, we will come to the vote. All those in favor signify by saying "Aye."

SENATORS NOVAK, FREDERICKSON, AND TERWILLIGER: "Aye."

SENATOR REICHGOTT JUNGE: Opposed say "No." The motion does prevail unanimously.

At this point then we have the sanctions before us. Are there any further amendments to any part of the sanctions at this point? Mr. Wattson.

PETER WATTSON: Madame Chair —

SENATOR REICHGOTT JUNGE: You can't make amendments.

PETER WATTSON: Madame Chair, just to remind you that I believe you have agreed to

add a new paragraph that will talk about his removal or resignation from the Rules Committee being an appropriate disciplinary action and I believe that that should include a conforming amendment to the findings to put in a finding that on such and such a date he was removed or he did resign.

SENATOR REICHGOTT JUNGE: Now, before we make a vote on this, I just wanted to say a couple of thoughts as to the process from here on out. This is a report, basically, to the Rules Committee, and I wanted to just echo some of the comments that Senator Novak made, because I agreed with some of them and that is that I believe that once the record is public, once this committee has done its duties of investigating the complaint and making its findings of fact, and its recommendations for sanction, then this issue does move into the court of public opinion as Senator Novak was saying. My concern all the way along has been to have a record that was public and fully debated, and so, in my view, our work as a subcommittee is done after we complete our work on the sanctions today. At this point, we lose any jurisdiction over any future complaints that might be filed on this matter if Senator Chmielewski comes, ah, is returned to the Senate. I believe we have fulfilled all of our obligations to make the public record, adopt findings of fact, and to make recommendations. In addition, I believe we have fulfilled our responsibility as a Senate Ethics Subcommittee to act on all of the complaints filed during the regular legislative session, bringing all of them to their natural conclusion. I believe that's important for the institution and for the process and for the integrity of our process. I think it's important that we deal fairly with each and every complaint that comes before us and not selectively on some. So for my purposes as chair of this committee, and I speak only for myself, I believe that our work is done, and I believe it is appropriate because of the timing that this move into the court of public opinion, and for that reason, I don't — I believe that any action by the Rules Committee is really secondary to what we have done and possibly not necessary or could be delayed if that was deemed prudent by the Rules Committee. So, I just wanted to make that statement for the record and see if there's any further discussion on the motion by Senator Frederickson to adopt the sanctions as we have discussed. Any further discussions? If not, we will come to the vote, and we will ask the secretary to take a roll call vote.

MARCIA SEELHOFF: Frederickson.

SENATOR FREDERICKSON: "Aye."

MARCIA SEELHOFF: Novak.

SENATOR NOVAK: "Aye."

MARCIA SEELHOFF: Reichgott Junge.

SENATOR REICHGOTT JUNGE: "Aye."

MARCIA SEELHOFF: Terwilliger.

SENATOR TERWILLIGER: "Aye."

SENATOR REICHGOTT JUNGE: On a vote of four to zero the recommendations for sanctions for Senator Florian Chmielewski's conduct are approved.

Members, once again, I want to thank you and I want to thank our counsel. I perhaps should ask our counsel if you have some comments that you would like to make regarding the process or the sanctions, particularly if you believe that the sanctions are appropriate at this time.

CHIEF JUSTICE SHERAN: I think the sanctions are appropriate, and having observed the operation of this committee and its policy of working toward consensus on the actions taken and the recommendations made, and I have to tell you that I'm very favorably impressed by the process. I have nothing further to contribute.

SENATOR REICHGOTT JUNGE: Thank you, Mr. Chief Justice, for all of your help throughout in helping to make this a fair process. Do you, Mr. Chief Justice, believe that due process has been accorded to the Senator in this matter?

CHIEF JUSTICE SHERAN: I'm confident of that.

SENATOR REICHGOTT JUNGE: Are there any further questions or comments? If not, I want to thank the members of the subcommittee for your work, your patience, and members I can say with confidence that this concludes the proceedings of the Ethical Conduct Subcommittee for 1996.

SENATOR FREDERICKSON: Madame Chair, this is sine die?

SENATOR REICHGOTT JUNGE: This is sine die. Is there a motion to agree.

SENATOR TERWILLIGER: So moved.

SENATOR REICHGOTT JUNGE: On that motion, all those in favor signify by saying "Aye."

SENATORS NOVAK, FREDERICKSON, AND TERWILLIGER: "Aye."

SENATOR REICHGOTT JUNGE: Motion is adopted.

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 Florian Chmielewski.

Christine A. Grover

Christine A. Grover

DATED: September 10, 1996.

Subscribed and sworn to before me this 10th day of September, 1996.

Margaret J Collins

MARGARET J COLLINS
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My Commission Expires Jan. 31, 2000

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JO ANNE ZOFF SELLNER
DIRECTOR

Senate

State of Minnesota

July 3, 1996

JUL 08 1996

To: Senator Ember Reichgott Junge

From: Peter S. Wattson, Senate Counsel
296-3812

Subj: Sanctions Not Requiring Rules Committee Action

You have asked me to research what sanctions recommended by the Subcommittee on Ethical Conduct against Senator Chmielewski may be imposed without action by the Committee on Rules and Administration.

As noted in my memorandum to the Subcommittee dated June 27, 1996, Senator Chmielewski may be removed from the committees on which he serves by action of the Chair of the Committee on Rules and Administration, after consultation and advice from the minority leader. Under Rule 56, no Rules Committee action is required.

As also noted in that memorandum, the Senate's long-distance telephone service is provided by the Secretary of the Senate under the general supervision of the Rules Committee. The committee has not adopted policies governing how that service is to be provided. I believe it would be within the authority of the Secretary of the Senate to deny calling card privileges to a member who has abused them, but that the Secretary of the Senate would want to consult with the Chair of the Rules Committee before doing so. A letter from the Chair to the Secretary would be one way of providing that consultation.

Reimbursement for telephone expenses in the interim between sessions is limited to $100 per month per member, under the policy adopted by the Rules Committee March 26, 1996. The Internal Revenue Service insists on documentation if the reimbursement is not to be taxed as ordinary income, but the Rules Committee has not adopted any policies of its own regarding documentation. I believe the action of the Subcommittee on Ethical Conduct would be sufficient authority for the Secretary of the Senate to require the documentation the Subcommittee recommends. As with canceling the credit card, I assume the Secretary of the Senate would appreciate a letter from the Chair of Rules giving him that direction.

PSW

cc: Senator Roger D. Moe
Patrick E. Flahaven

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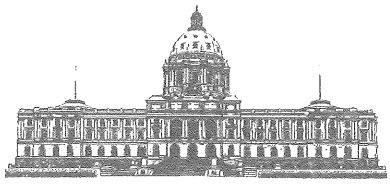

Senate

State of Minnesota

July 8, 1996

The Honorable Allan H. Spear
President of the Senate
120 Capitol

Dear President Spear:

Under the authority of Senate Rule 56, and after consultation and advice from Senator Dean Elton Johnson, Minority Leader, I hereby remove Senator Florian Chmielewski from membership on the Committee on Transportation and Public Transit and from membership on the Committee on Jobs, Energy and Community Development.

Respectfully,

Roger D. Moe, Chair
Committee on Rules and Administration

RDM:PSW:ps

cc: Senator Florian Chmielewski
Patrick E. Flahaven, Secretary of the Senate

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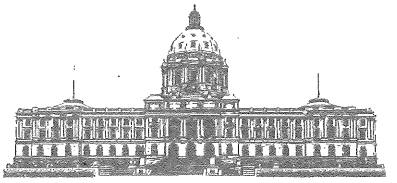

Senate

State of Minnesota

July 8, 1996

Patrick E. Flahaven
Secretary of the Senate
231 Capitol

Subj: Senator Chmielewski's Telephone Privileges

Dear Mr. Flahaven:

Enclosed is a copy of the recommendations of the Subcommittee on Ethical Conduct, dated June 27, 1996, regarding Senator Chmielewski.

In accordance with recommendations 6a and 6b, please cancel Senator Chmielewski's Senate long-distance telephone credit card and do not reimburse him for long-distance telephone expenses, unless the request for reimbursement is accompanied by an itemized list that shows the Senate business purpose of each call. The list need not show the name of the person called.

By a separate letter to the President of the Senate I am today removing Senator Chmielewski from membership on the Committee on Transportation and Public Transit and from membership on the Committee on Jobs, Energy and Community Development.

Sincerely,

Roger D. Moe, Chair
Committee on Rules and Administration

RDM:PSW:ps

cc: Senator Florian Chmielewski
Maritta Gould
Mary Thompson