

David M. Jennings
Speaker of the House
District 29A
Martin-Watonwan Counties



880021
Minnesota
House of
Representatives

March 5, 1986

30686

MEMORANDUM

TO: Members of the House of Representatives
FROM: Speaker David M. Jennings *DMJ*
RE: Staten Case

Attached is a copy of the Report from the Select Committee on the Staten Case. It has been adopted by the House Rules Committee and referred to the full House for action. We expect to take it up before the House early next week and I would encourage you, given the serious nature of this matter, to review the committee's report over the weekend in preparation for action by the House.

DMJ:jr

Enclosure: Report

1 REPORT OF THE SELECT COMMITTEE
2 ON THE STATEN CASE

3
4 APPOINTMENT OF SELECT COMMITTEE

5
6 On January 24, 1986 the Speaker of the House appointed a
7 select committee to investigate:

8 (1) findings by the Ethical Practices Board in the matter
9 of repeated filings of incomplete reports of receipts and
10 expenditures by the Staten Volunteer Committee, referred to the
11 House Rules Committee on November 8, 1985 (Hereafter, "Board
12 Findings"); and

13 (2) a plea of guilty to felony theft entered in district
14 court by Representative Randolph W. Staten on January 17, 1986.

15 The committee was directed to make a recommendation to the
16 House Rules Committee no later than February 26, 1986 as to what
17 action, if any, the House of Representatives should take on
18 these matters.

19 The committee's charge was to decide whether action should
20 be taken pursuant to the House's power to judge the eligibility
21 of its members (Minn. Const., Art IV, Sec. 6; Art. VII, Secs. 1,
22 6) or its power to punish or expel members (Art IV, Sec. 7).

23 The committee determined its inquiry would be limited to the
24 public record in the two matters under investigation and any
25 additional evidence Representative Staten might supply. The
26 committee's meetings were conducted in public with the same
27 advance notice and other procedures as apply to all legislative
28 committee hearings. Representative Staten and his attorney
29 were invited to be present and were offered the opportunity to
30 question witnesses and to call their own witnesses.

31
32 SUMMARY OF COMMITTEE MEETINGS

33
34 The committee held its first meeting Tuesday, February 11,
35 1986 at 4:00 p.m. Representative Dempsey, chairman of the
36 committee, outlined the procedures the committee would follow

1 and introduced Representative Staten to the committee. After
2 making a statement, answering questions, and submitting a copy
3 (attached) of the check in question in Board Finding No. 4,
4 Representative Staten left the meeting.

5 Copies of the Board Findings and supporting records were
6 provided to the committee and are attached to this report. Mary
7 Ann McCoy, Executive Director of the Ethical Practices Board,
8 explained the Findings.

9 Martha J. Casserly, Special Assistant Attorney General for
10 the Ethical Practices Board, explained her work on the Staten
11 matter and answered questions from the committee.

12 The committee held its second meeting Friday, February 14,
13 1986, at 10:30 a.m. Representative Staten was not present. Ms.
14 McCoy, Ms. Casserly, and Martin McGowan, Chairman of the Ethical
15 Practices Board, answered further questions about the Board
16 Findings. The complaint and transcripts of the plea and
17 sentencing hearings in State v. Staten (D.C. 89406; C.A.
18 85-2600) were provided to the committee and are attached to this
19 report. William Edwards, Chief of the Hennepin County Attorney's
20 Office Criminal Division, and Stephen L. Redding, the Assistant
21 Hennepin County Attorney responsible for prosecuting State v.
22 Staten, explained the complaint, plea, and sentencing in the
23 case and answered questions from the committee.

24 The committee held its third meeting, Tuesday, February 18,
25 1986, at 11:00 a.m. Representative Staten and his attorney,
26 Kenneth Tilsen, were present.

27 Mr. Tilsen made a statement and answered questions from the
28 committee.

29 Ms. McCoy, Ms. Casserly, and Harmon Ogdahl, Vice-Chair of
30 the Ethical Practices Board, answered questions from the
31 committee.

32 Representative Brandl made a statement. He then made a
33 motion that the staff be directed to prepare a document in two
34 parts:

35 (1) a chronology of Representative Staten's reports and
36 other communications to the Ethical Practices Board and the

1 Board's findings, and the facts regarding Representative
2 Staten's felony plea; and

3 (2) a recommendation to the Rules Committee for the Select
4 Committee's consideration at its next meeting, that
5 Representative Staten be expelled from the House of
6 Representatives.

7 The committee adopted Representative Brandl's motion.

8 Based upon the documents submitted to the committee and the
9 testimony of witnesses appearing at its meetings, the
10 undersigned members of the committee find as follows.

11 FINDINGS OF FACT

12 I. ETHICAL PRACTICES BOARD MATTER

13 The Select Committee incorporates in its findings as
14 background to the Board's 1985 Findings a chronology of the
15 incidents relating to Representative Staten's filing of
16 incomplete and untimely reports with the Ethical Practices Board
17 from 1981 through January 31, 1986, identified as APPENDIX -
18 REPORT OF THE SELECT COMMITTEE. Board Findings Nos. 4 and 8 are
19 incorporated only to the extent specified in Part B of this
20 section.

21 The Select Committee adopts seven of the nine 1985 Ethical
22 Practices Board Findings in their entirety, and portions of the
23 remaining two. (The committee has noted in parentheses criminal
24 penalties where applicable for the Chapter 10A provisions cited
25 in the Board Findings.)

26

27 A. Board Findings Adopted in Their Entirety

28

29 Finding #1. As treasurer of his principal campaign
30 committee, Representative Staten failed to timely file two of
31 the three reports covering the 1984 election year. In two
32 instances, certified letters and other official communications
33 were sent. Reports as filed and subsequent amendments were
34 incomplete and inconsistent with subpoenaed committee and bank
35 records. Minn. Stat. Sec. 10A.20, subds. 2, 3, and 12
36 (misdemeanor).

37 Finding #2. Representative Staten stated on several filed
38 reports or amendments that the contents were incomplete as filed
39 and would need subsequent amendments. Amendments were not filed
40 within the ten days required by law. Minn. Stat. Sec. 10A.23
41 (gross misdemeanor).

1 Finding #3. Although a public financing warrant for
2 \$3,115.36 was presented to the committee depository for payment,
3 \$2,040 in cash was paid at the same time and only \$1,874.36 of
4 public financing was deposited in the committee depository.
5 Minn. Stat. Sec. 10A.15, subd. 3 (misdemeanor).

6 Finding #5. Representative Staten has failed to maintain
7 committee records as required by law, due to the event of a fire
8 at his home in January, 1985. However, he has failed to
9 demonstrate good faith efforts to reconstruct his records.
10 Minn. Stat. Sec. 10A.22, subd. 6 (misdemeanor).

11 Finding #6. The pattern observed by the Board in its 1983
12 investigation of a second "all zeros" filing by Representative
13 Staten on behalf of his committee has continued into 1984 and
14 1985, despite Representative Staten's declaration in 1983 that
15 any problem encountered in the past would not occur in the
16 future. Board Findings, July 5, 1983.

17 Finding #7. Representative Staten has repeatedly failed to
18 comply with the requirements imposed by Minn. Stat. Ch. 10A for
19 timely, accurate disclosure of campaign contributions, campaign
20 expenditures; recordkeeping and deposits of campaign
21 contributions and public financing warrants; and timely,
22 accurate reporting and amending of filed reports. Minn. Stat.
23 Secs. 10A.13, subd 1 (misdemeanor); 10A.15, subd. 3
24 (misdemeanor); 10A.20, subd. 12 (misdemeanor); 10A.22, subd. 6
25 (misdemeanor); and 10A.23 (gross misdemeanor).

26 Finding #9. The ultimate responsibility for maintenance of
27 ethical practices in the election process lies with the body in
28 which a legislator serves. While the Board administers the
29 campaign finance disclosure process, it is the legislative body
30 which must judge the standards of its membership.

31 B. Board Findings Adopted in Part

32 Finding #4. Representative Staten failed to deposit in the
33 committee depository a \$700 check, which included a contribution
34 of \$350 and a loan of \$350. Although the contribution was
35 received just before the 1984 general election, no timely notice
36 of the receipt was received by the Board, as required by law.
37 Minn. Stat. Sec. 10A.15, subd. 5.

38 Representative Staten supplied evidence to the committee
39 contradicting the first sentence of Finding No. 4, which is not
40 adopted by the Committee. The committee adopts the second
41 sentence of Finding No. 4.

42 Finding #8. Board members, its staff, and counsel have
43 exhausted the remedies available to them to secure compliance by
44 Representative Staten with the requirements of Minn. Stat. Ch.
45 10A. The Board has collected each late filing fee owed, with
46 the exception of \$250 for which payment was promised by
47 Representative Staten in writing. The Board has deposited the
48 fees in the general fund of the state. Minn. Stat. Secs.
49 10A.20, subd 12; 10A.34, subd. 1a.

50 The committee adopts Finding No. 8, except for the
51 reference to the unpaid \$250 filing fee. When the Findings were
52 referred to the House Rules Committee, the fee had not been
53 paid. As of January 31, 1986 it was paid in full.

54

1 II. CRIMINAL CHARGES

2
3 With respect to the case of State v. Staten (D.C. 89406;
4 C.A. 85-2600), the select committee makes the following findings
5 of fact:

6 1. On November 8, 1985, a criminal complaint was filed in
7 Hennepin County District Court by the Hennepin County Attorney's
8 office alleging that Representative Staten had violated
9 Minnesota Statutes, section 609.52, subdivisions 2(3) (a) and 3
10 by committing theft in an amount over \$2,500. This offense is a
11 felony and carries a maximum penalty of ten years imprisonment
12 and/or a \$20,000 fine.

13 2. On January 17, 1986, pursuant to a plea agreement with
14 the Hennepin County Attorney's office, Representative Staten
15 entered a plea of guilty to a reduced charge of theft in an
16 amount over \$250. Representative Staten's guilty plea was
17 accepted by the Court. This offense is a felony and carries a
18 maximum penalty of five years imprisonment and/or a \$10,000 fine.

19 3. On February 10, 1986, Representative Staten appeared
20 before District Judge Walter Mann for sentencing. Judge Mann
21 ordered that Representative Staten be sentenced to 90 days in
22 the Hennepin County Workhouse, that execution of the sentence be
23 stayed, and that Representative Staten be placed on one year's
24 probation under certain conditions.

25 4. Under Minnesota Statutes, section 609.13, because the
26 sentence imposed on Representative Staten was within the limits
27 placed by law on misdemeanor offenses, Representative Staten's
28 conviction for a felony pursuant to his guilty plea is deemed to
29 be a conviction for a misdemeanor.

30 5. Because of the nature of the sentence imposed,
31 Representative Staten did not suffer a loss of his civil rights
32 as a result of his conviction, and therefore remains a qualified
33 voter of this state as required by Article VII, Section 1 of the
34 Minnesota Constitution and eligible to serve in the Minnesota
35 House of Representatives pursuant to Article IV, Section 6.

36 6. The fact that Representative Staten was sentenced

1 within the misdemeanor limits and, therefore, deemed to have
2 been convicted of a misdemeanor rather than felony, does not
3 change the nature of the conduct engaged in and admitted to by
4 Representative Staten; that is, the intentional theft of
5 property or services in an amount over \$250 by writing checks
6 which Representative Staten knew would not be paid by the bank
7 on which they were drawn.

8
9 RECOMMENDATIONS

10
11 We, the undersigned, upon the foregoing findings of fact,
12 recommend that:

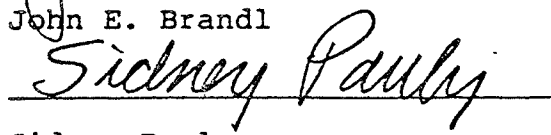
13 1. The House of Representatives find that Representative
14 Staten's conduct with respect to the requirements of Chapter
15 10A, the Ethics in Government Act, from January 31, 1985 to
16 January 31, 1986 and his plea of guilty to felony theft reflect
17 a pattern of willful neglect and willful and deliberate conduct
18 in disregard of state law, and fail to meet the standard of
19 conduct for members of the House of Representatives.

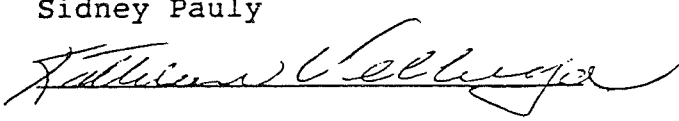
20 2. The House of Representatives expel Representative
21 Staten pursuant to the Minnesota Constitution, Art. IV, Sec. 7.

22 3. Upon Representative Staten's expulsion, the existence
23 of a vacancy in the office of Representative from Legislative
24 District 57B, Hennepin County, be certified to the Honorable
25 Rudy Perpich, Governor of Minnesota.

26 
27 Terry M. Dempsey, Chair

28 
29 John E. Brandl

30 
31 Sidney Pauly

32 
33 Kathleen Vellenga

1 APPENDIX - DRAFT REPORT OF THE SELECT COMMITTEE.

2 Ethical Practices Board Chronology

3 The Select Committee finds that the following sequence
4 occurred in Representative Staten's filing of incomplete and
5 untimely reports with the Ethical Practices Board from 1981
6 through January 31, 1986.

7 1981

8 February 2, 1981: A 1980 year end report of receipts and
9 expenditures was due but not filed.

10 February 6, 24, and March 11, 1981: Rep. Staten's
11 treasurer was sent notices that the report was late and a late
12 fee would be imposed.

13 March 3, 1981: Rep. Staten filed the report which was due
14 February 2, 1981. It contained "all zeros" for expenditures
15 from October 21 to December 31, 1980.

16 March 12, 1981: Rep. Staten requested a waiver of the \$45
17 late fee because the delay was due to his campaign manager's
18 being out of town and another staff person's losing necessary
19 materials.

20 April 17, 1981: By letter, staff informed Rep. Staten that
21 on April 10 the Board reviewed and denied the waiver. Staff
22 requested payment by May 14, 1981.

23 May 14, 1981: A staff memo was sent to Rep. Staten
24 requesting a response to the Board regarding his failure to
25 submit the late filing fee.

26 May 15, 1981: The Board received a check for the late fee
27 from Rep. Staten.

28 1982

29 February 1, 1982: The 1981 year end report was due but not
30 filed.

31 February 18, 1982: The 1981 year end report was filed and
32 a \$10 late fee was paid.

33 September 7, 1982: The pre-primary report was due but not
34 received.

35 September 16, 1982: The pre-primary report was received,
36 subject to a \$50 per business day late fee (\$150 total).

1 September 17, October 1, and October 8, 1982: Notices of
2 the late filing fee were sent.

3 October 12, 1982: The late filing fee of \$150 was paid.

4 October 25, 1982: The pre-election report was due but not
5 filed.

6 November 4, 1982: The pre-election report was received
7 subject to a \$50 per business day late fee (\$200 total).

8 November 4, November 15, and November 24, 1982: Notices of
9 the late fee were sent to Rep. Staten.

10 December 12, 1982: Rep. Staten paid the \$200 late fee.

11 1983

12 February 4, 1983: Notice by certified mail was sent to the
13 Staten Volunteer Committee treasurer that a report of receipts
14 and expenditures for October 19 -- December 31, 1982 was not
15 filed by January 31, 1983, as required.

16 February 22, 1983: The notice was returned unclaimed, then
17 deposited in first class mail and deemed received five days
18 later on March 1, 1983. A late filing fee began to accrue March
19 9 and reached its \$100 maximum April 15, 1983.

20 March 3, 1983: Rep. Staten filed a report of committee
21 receipts and expenditures containing only zeros for the period
22 October 19 - December 31, 1982. The report (1) did not carry
23 forward required information from the 1982 pre-primary and
24 pre-general election periods and (2) did not disclose receipt of
25 two public financing warrants cashed on December 16, 1982. Rep.
26 Staten noted on the report that he would amend his last three
27 reports March 7, 1983.

28 March 18, 1983: A Board executive session determined that
29 no required amendments to the three prior reports had been
30 made. The Board noted that in March, 1981 an "all zeros" report
31 was filed and the Board had imposed a \$45 late filing fee and
32 notified Rep. Staten that there was a penalty for omitting
33 information on a report certified to be true.

34 March 25, 1983: By letter this date the Board requested
35 Rep. Staten to appear in executive session May 6, 1983 and
36 provide information about the March 3 filing and the failure to

1 amend 1982 election committee reports.

2 April 21, 1983: Since no response was received to the
3 March 23 letter, a copy of it and a reminder were hand delivered
4 to Rep. Staten. By letter received later that day, Rep. Staten
5 informed the Board that he would meet with staff on April 26,
6 1983 to file the amendments. Rep. Staten cancelled this
7 appointment. Several other appointments with staff were made
8 and cancelled by Rep. Staten, but no amendments were filed
9 before the May 6 Board meeting.

10 May 6, 1983: Rep. Staten appeared before the Board in
11 executive session, apologized for past negligence, stated that
12 he had acted on advice that it was more important to file on
13 time than to file accurately, and promised to file amendments by
14 May 9, 1983.

15 May 9, 1983: Rep. Staten met with staff, filed the January
16 31, 1983 report and properly amended two prior reports covering
17 January 1 -- October 18, 1982. The Board discussed the matter
18 in executive session.

19 June 23, 1983: The Board again discussed the Staten matter
20 in executive session.

21 July 5, 1983: The Board issued findings as follows.
22 Material in brackets is supplied by this committee.

23 Finding #1. There is no probable cause to believe a
24 violation of Minn. Stat. Sec. 10A.23 (1982) occurred. [i.e., no
25 willful failure to report a material change or correction in a
26 report]

27 Finding #2. The Board did not accept the statement
28 Representative Staten filed on March 3, 1983, as a report,
29 because it did not contain the information required by Minn.
30 Stat. Sec. 10A.20 [i.e. specifics about assets, contributions,
31 etc.]

32 Finding #3. The Board accepted the report covering the
33 period October 19 through December 31, 1982, which was filed by
34 Representative Staten on May 9, 1983, together with amendments
35 to two 1982 reports which were filed on May 9, 1983. The
36 Board's action in accepting the referenced report and amendments
37 did not alter the fact that the committee failed to provide
38 timely disclosure and amendments to filed reports in accordance
39 with the Ethics in Government Act.

40 Finding #4. The Board concluded that the March 3, 1983,
41 statement resulted from Representative Staten's reliance upon
42 faulty advice and that the statement was not a willful attempt
43 to deny to the public the disclosure of campaign finance
44 information.

45 Finding #5. Representative Staten paid the \$100 late

1 filing fee on June 30, 1983.

2 The matter is concluded and entered into the public record
3 under Minn. Stat. Sec. 10A.02, subd. 11.

4 1984

5 September 4, 1984: The pre-primary report Rep. Staten
6 filed was incomplete. It omitted occupations and/or addresses
7 for 20 contributors.

8 September 17, October 1, October 16, 1984: Rep. Staten was
9 sent Board staff notices requesting an amended report.

10 October 10, 1984: Rep. Staten presented a public finance
11 warrant for \$3,115.36 and other checks to his committee
12 depository but deposited only \$1,874.36 of the total in the
13 committee account.

14 October 18, 1984: Rep. Staten filed an amended report.
15 One contributor was changed from Pilot City Special Fund to Jim
16 Mosley between the September 4 report and the October 18 report.

17 October 29, 1984: A report was due, but not filed.

18 November 5, 1984: A late report was filed with blank
19 receipt and expenditure summary pages. Rep. Staten wrote on
20 it: "I will need to submit an amended report to summarize
21 enclosed information and submit additional details of
22 expenditures and receipts."

23 December 26, 1984: After three notices, Rep. Staten paid
24 the \$50 fee for late filing of the October 29 report.

25 1985

26 January 31, 1985: The year-end 1984 report was not filed
27 when due.

28 March 14, 1985: After three notices, Rep. Staten filed the
29 report due January 31, 1985 with blank receipt and expenditure
30 summary pages and blank schedules for notes, loans and unpaid
31 bills. He also filed an incomplete amendment to the October 29,
32 1984 report just before the Board meeting. The Board voted to
33 subpoena committee records and invite Rep. Staten to appear at
34 its next executive session to discuss apparent problems with
35 filing proper reports.

36 April 2, 1985: Subpoena issued to Rep. Staten for the

1 delivery of committee records by April 12, 1985; date extended
2 to April 16, 1985.

3 April 16, 1985: Records were delivered with a letter
4 stating that additional records would be furnished in about two
5 weeks (April 30, 1985). Rep. Staten paid \$60 late filing fee
6 for January 31, 1985 report after three staff notices dated
7 March 15, March 29 and April 12, 1985.

8 April 18, 1985: Rep. Staten was sent a letter setting the
9 time for his appearance at the May 16, 1985 Board meeting.

10 May 3, 1985: Rep. Staten was sent a letter changing the
11 time for his appearance at the May 16 meeting, with a reminder
12 that additional records had not been received.

13 May 6, 1985: A staff memo to the Board summarized problems
14 noted with committee records supplied April 16, 1985.

15 May 7, 1985: Rep. Staten called the office and stated that
16 due to end-of-legislative-session matters he would be unable to
17 appear at the May 16th meeting. The Board chairman authorized
18 extending the matter until the next Board meeting; staff
19 notified Rep. Staten by telephone.

20 May 16, 1985: In executive session the Board reviewed
21 subpoenaed committee records and found them inconsistent with
22 filed reports.

23 May 23, 1985: Letter dated May 21, 1985 from Rep. Staten
24 was received by the Board, regarding a delay by the bank in
25 supplying records.

26 May 24, 1985: Staff responded to Rep. Staten's letter by
27 sending him a copy of the May 6, 1985 memo they had provided the
28 Board.

29 June 12, 1985: Rep. Staten called the Board about the date
30 of the next Board meeting.

31 June 24, 1985: The Board sent Rep. Staten a letter setting
32 the date and time of his Board appearance with a reminder that
33 additional records had not been received.

34 July 15, 1985: Letter sent Rep. Staten confirming time of
35 appointment on August 9th and place of meeting.

36 August 6, 1985: Due to his father's death, Rep. Staten

1 cancelled the August 9 Board appointment.

2 August 9, 1985: In executive session the Board decided to
3 subpoena committee bank records to review potential problems
4 with the deposit of public finance warrants.

5 August 16, 1985: A letter was sent to Rep. Staten from the
6 Board's attorney demanding complete and accurate 1984 reports
7 and an explanation of his apparent failure to deposit public
8 finance warrants by August 26, 1985.

9 August 26, 1985: The Board received Rep. Staten's letter
10 stating he would file the reports by 4:30 pm, August 27, 1985,
11 and was attempting to provide records and answers from other
12 sources.

13 August 27, 1985: No reports were filed, but Rep. Staten
14 made an appointment with Board staff for August 28, 1985 and
15 promised he would file the reports August 28, 1985.

16 August 28, 1985: Rep. Staten met with Board staff and
17 promised he would file reports August 29, 1985.

18 August 29, 1985: No report was filed; Board staff left
19 telephone messages at Rep. Staten's office.

20 August 30, 1985: No report was filed; Board staff left a
21 telephone message, which Rep. Staten returned after staff left.

22 September 3, 1985: Rep. Staten made an appointment with
23 Board staff for September 4, 1985 stating his report was 95%
24 completed.

25 September 4, 1985: Rep. Staten cancelled his appointment
26 and promised reports would be filed September 5, 1985.

27 September 5, 1985: Partially completed reports for the
28 pre-1984 general election period and the 1984 year-end period
29 were filed with a promise that the remainder of the reports
30 would be submitted on September 6, 1985.

31 September 6, 1985: No response from Rep. Staten.

32 September 9, 1985: No response from Rep. Staten.

33 September 23, 1985: Notice was sent to Rep. Staten that a
34 late filing fee was due for failure to timely report a large
35 contribution received just before the 1984 election.

36 September 30, 1985: Rep. Staten was asked by letter to

1 appear before the Board on October 24 to conclude the Board's
2 inquiry into his repeated failure to file timely reports. A
3 second notice of the 1984 report late filing fee was also sent.

4 October 8, 1985: Rep. Staten was sent a third notice of
5 the 1984 report late filing fee.

6 October 23, 1985: Rep. Staten came to the Board office
7 with additional amendments to 1984 reports and a letter stating
8 he would pay the late filing fee by November 1. He stated he
9 would not appear at the October 24 Board meeting.

10 October 24, 1985: In executive session the Board discussed
11 the matter and made findings.

12 November 8, 1985: Rep. Staten was sent a letter noting
13 errors in the report amendments filed October 23. Findings were
14 sent from the Ethical Practices Board to the House Rules
15 Committee as follows:

16 FINDINGS

17 Finding #1. As treasurer of his principal campaign
18 committee, Representative Staten failed to timely file two of
19 the three reports covering the 1984 election year. In two
20 instances, certified letters and other official communications
21 were sent. Reports as filed and subsequent amendments were
22 incomplete and inconsistent with subpoenaed committee and bank
23 records. Minn. Stat. Secs. 10A.20, subds. 2, 3, and 12.

24 Finding #2. Representative Staten stated on several filed
25 reports or amendments that the contents were incomplete as filed
26 and would need subsequent amendments. Amendments were not filed
27 within the ten days required by law. Minn. Stat. Sec. 10A.23.

28 Finding #3. Although a public financing warrant for
29 \$3,115.36 was presented to the committee depository for payment,
30 \$2,040 in cash was paid at the same time and only \$1,874.36 of
31 public financing was deposited in the committee depository.
32 Minn. Stat. Sec. 10A.15, subd. 3.

33 Finding #4. Representative Staten failed to deposit in the
34 committee depository a \$700 check, which included a contribution
35 of \$350 and a loan of \$350. Although the contribution was
36 received just before the 1984 general election, no timely notice
37 of the receipt was received by the Board, as required by law.
38 Minn. Stat. Secs. 10A.15, subd. 3; 10A.20, subd. 5.

39 Finding #5. Representative Staten has failed to maintain
40 committee records as required by law, due to the event of a fire
41 at his home in January, 1985. However, he has failed to
42 demonstrate good faith efforts to reconstruct his records.
43 Minn. Stat. Sec. 10A.22, subd. 6.

44 Finding #6. The pattern observed by the Board in its 1983
45 investigation of a second "all zeros" filing by Representative
46 Staten on behalf of his committee has continued into 1984 and
47 1985, despite Representative Staten's declaration in 1983 that
48 any problem encountered in the past would not occur in the
49 future. Board Findings, July 5, 1983.

1 Finding #7. Representative Staten has repeatedly failed to
2 comply with the requirements imposed by Minn. Stat. Ch. 10A for
3 timely, accurate disclosure of campaign contributions, campaign
4 expenditures; recordkeeping and deposits of campaign
5 contributions and public financing warrants; and timely,
6 accurate reporting and amending of filed reports. Minn. Stat.
7 Secs. 10A.13, 10A.15, 10A.20, 10A.22, 10A.23.

8 Finding #8. Board members, its staff, and counsel have
9 exhausted the remedies available to them to secure compliance by
10 Representative Staten with the requirements of Minn. Stat. Ch.
11 10A. The Board has collected each late filing fee owed, with
12 the exception of \$250 for which payment was promised by
13 Representative Staten in writing. The board has deposited the
14 fees in the general fund of the state. Minn. Stat. Secs.
15 10A.20, subd. 12; 10A.34, subd. 1a.

16 Finding #9. The ultimate responsibility for maintenance of
17 ethical practices in the election process lies with the body in
18 which a legislator serves. While the Board administers the
19 campaign finance disclosure process, it is the legislative body
20 which must judge the standards of its membership.

21 The findings in the matter of Representative Staten's
22 failure to comply with certain provisions of Minn. Stat. Ch.
23 10A. together with findings in the 1983 matter, shall be
24 forwarded to the Chairman of the Rules Committee, Minnesota
25 House of Representatives, and to the Speaker of the House of
26 Representatives. The Board respectfully requests that the Rules
27 Committee advise the Board what action is taken in regard to
28 these findings.

29 The matter is concluded and entered into the public record
30 under Minn. Stat. Sec. 10A.02, subd. 11.

31 December 3, 1985: \$150 of the \$250 late fee Rep. Staten
32 promised to pay November 1, 1985 was paid and the balance was
33 promised on January 2, 1986.

34 1986

35 January 2, 1986: The balance of the filing fee was not
36 received, so the Board went to conciliation court.

37 January 31, 1986: The remaining \$100 of the late filing
38 fee Rep. Staten promised to pay November 1, 1985 was paid. Rep.
39 Staten also filed a committee report for the period January 1 to
40 December 31, 1985 showing a negative committee depository
41 balance and no change since the last report.