

MINUTES OF THE
ETHICAL PRACTICES BOARD
November 16, 2021

Members Present: Board Members Kyle Kroll (Chair), Walter Bauch, (Vice Chair), and Clinton Collins (Quorum 2)

Pursuant to Minnesota Statutes, Section 13D.021, the meeting was held by electronic means and Board Members and staff participated remotely due to the local public health emergency (novel coronavirus pandemic) declared on March 16, 2020.

Chair Kroll called the meeting to order at 3:04 p.m., a quorum being present.

Bauch moved to adopt the agenda. On roll call, the result was:

Aye: Bauch, Collins, Kroll (3)

Nay: (0)

Abstain: (0)

Absent: (0)

Bauch moved to accept the minutes of the regular meetings of July 13 and September 21, 2021. On roll call, the result was:

Aye: Bauch, Collins, Kroll (3)

Nay: (0)

Abstain: (0)

Absent: (0)

4. Approving 2022 meeting dates:

January 25, 2022

March 15, 2022

May 17, 2022

July 19, 2022

September 20, 2022

November 15, 2022

Bauch moved approval of the 2022 meeting dates. On roll call, the result was:

Aye: Bauch, Collins, Kroll (3)

Nay: (0)

Abstain: (0)

Absent: (0)

Closed Session - Unfinished Business

5. Ethics Complaint No. 2021-37: Rule 7.6 - Continued from meeting of Sept 21, 2021

6. Ethics Complaint No. 2021-39: Probable cause determination - Continued from meeting of Sept 21, 2021

7. Ethics Complaint No. 2021-40: Probable cause determination - Continued from meeting of Sept 21, 2021

8. Ethics Complaint No. 2021-49: Rule 7.6 - Continued from meeting of Sept 21, 2021

Closed Session – New Business**9. Ethics Complaint No. 2021-52: Probable cause determination****10. Ethics Complaint No. 2021-53: Probable cause determination****11. Ethics Complaint No. 2021-63: Rule 7.6**

The Ethics Officer stated that the meeting may be closed as permitted by the Minnesota Open Meeting Law for preliminary consideration of charges against an individual subject to the Board's authority.

At 3:10 p.m., Bauch moved that the meeting be closed pursuant to Minnesota Statutes, Section 13D.05, Subdivision 2(b), for presentation by the Ethics Officer of Ethics Complaint Nos. 2021-37, 2021-39, 2021-40, 2021-49, 2021-52, 2021-53, and 2021-63 against individuals subject to the Board's authority for the Board's preliminary consideration of the charges presented. On roll call, the result was:

Aye: Bauch, Collins, Kroll (3)

Nay: (0)

Abstain: (0)

Absent: (0)

At 3:12 p.m., Chair Kroll called the closed session to order, a quorum being present.

Present: Board Members Kyle Kroll (Chair), Walter Bauch, (Vice Chair), and Clinton Collins.

Also Present: Susan Trammell, Ethics Officer; Matthew Wilcox, Assistant City Attorney; Jackie Hanson, Assistant City Clerk; and Peggy Menshek, City Clerk's Office.

Ms. Trammell and Mr. Wilcox summarized Ethics Complaints 2021-37, 2021-39, 2021-40, 2021-49, 2021-52, 2021-53, and 2021-63 from 3:20 p.m. to 5:20 p.m.

At 5:20 p.m., Bauch moved that the meeting be opened. On roll call, the result was:

Aye: Bauch, Collins, Kroll (3)

Nay: (0)

Abstain: (0)

Absent: (0)

The closed session of the Ethical Practices Board meeting was recorded with the recording on file in the Office of the City Clerk.

At 5:22 p.m., the meeting was reconvened in open session.

Present: Board Members Kyle Kroll (Chair), Walter Bauch, (Vice Chair), and Clinton Collins.

Bauch moved to affirm the Ethics Officer's dismissal of Ethics Complaint No. 2021-37 pursuant to Rules and Bylaws of the Ethical Practices Board, §7.6. On roll call, the result was:

Aye: Bauch, Collins, Kroll (3)

Nay: (0)

Abstain: (0)

Absent: (0)

Bauch moved to dismiss Ethics Complaint No. 2021-39 for failing to establish probable cause to believe a violation of the Ethics in Government Code exists. On roll call, the result was:

Aye: Bauch, Collins, Kroll (3)

Nay: (0)

Abstain: (0)

Absent: (0)

Bauch moved to dismiss Ethics Complaint No. 2021-40 for failing to establish probable cause to believe a violation of the Ethics in Government Code exists. On roll call, the result was:

Aye: Bauch, Collins, Kroll (3)

Nay: (0)

Abstain: (0)

Absent: (0)

Bauch moved to affirm the Ethics Officer's dismissal of Ethics Complaint No. 2021-49 pursuant to Rules and Bylaws of the Ethical Practices Board, §7.6. On roll call, the result was:

Aye: Bauch, Collins, Kroll (3)

Nay: (0)

Abstain: (0)

Absent: (0)

Bauch moved to find that probable cause exists to support the allegations contained within Ethics Complaint No. 2021-52. The Ethics Officer, or designee, shall coordinate the setting of a date within the time limits required by Rules and Bylaws of the Ethical Practices Board, §8.4, for further proceedings on the complaint. On roll call, the result was:

Aye: Bauch, Collins, Kroll (3)

Nay: (0)

Abstain: (0)

Absent: (0)

Bauch moved to find that probable cause exists to support the allegations contained within Ethics Complaint No. 2021-53 and authorize the Ethics Officer, or designee, pursuant to Bylaws and Rules of Procedure, Rule 8.3, to extend a preliminary recommendation regarding resolution within the direction given by the Board. If the matter does not resolve, the Ethics Officer, or designee, shall coordinate the setting of a date within the time limits required by Rules and Bylaws of the Ethical Practices Board, §8.4, for further proceedings on the complaint. On roll call, the result was:

Aye: Bauch, Collins, Kroll (3)

Nay: (0)

Abstain: (0)

Absent: (0)

Bauch moved to affirm the Ethics Officer's dismissal of Ethics Complaint No. 2021-63 pursuant to Rules and Bylaws of the Ethical Practices Board, §7.6. On roll call, the result was:

Aye: Bauch, Collins, Kroll (3)

Nay: (0)

Abstain: (0)

Absent: (0)

Reports

12. Informal Advice Report

13. Complaint Activity Report

14. Other Activity Report

Without objection, the reports were received and filed.

Adjournment

Without objection, the meeting was adjourned at 5:30 p.m.

Peggy Menshek
Board Clerk