

February 18, 2025

Senator Bobby Joe Champion
Senate Rules Subcommittee on Ethical Conduct
3401 Minnesota Senate Building
95 University Avenue West
St. Paul, MN 55155

Dear Mr. Chair:

Attached to this letter is a complaint regarding the conduct of Senator Nicole Mitchell. This complaint is prepared pursuant to the provisions of Senate Rule 55. By delivery of this letter and attached complaint, it is hereby filed pursuant to Rule 55. We ask for the Subcommittee on Ethical Conduct to investigate these matters immediately and take action in accordance with this Rule.

We look forward to the Subcommittee acting expeditiously on this complaint.

Sincerely,

Senator Steve Drazkowski

Senator Cal Bahr

Senator Rich Draheim

Senator Steve Green

Senator Glenn Gruenhagen

Senator Karin Housley

Senator Eric Lucero

Senator Mark Koran

Senator Paul Utke

**COMPLAINT
TO THE
SUBCOMMITTEE ON ETHICAL CONDUCT
REGARDING THE ACTIONS
OF
SENATOR NICOLE MITCHELL**

Senators Drazkowski, Bahr, Draheim, Green, Gruenhagen, Housley, Koran, Lucero, and Utke being first duly sworn, state and allege under oath the following based upon information and belief:

Sen. Nicole Mitchell violated Senate Rules 56.1, 56.3, and 56.4 by casting a vote upholding the ruling of the President that had the effect of preventing the body from considering her own expulsion. Her vote was the deciding vote on whether the Senate would consider her status as a member of the body.

1. On January 27, 2025, the Minnesota Senate considered a motion from Senator Jordan Rasmusson to expel Senator Nicole Mitchell. (Exhibit A: Senate Journal Page 202, 2025)
2. Presiding Officer Bobby Joe Champion ruled the motion out of order. (Exhibit A: Senate Journal Page 203, 2025)
3. Senator Jordan Rasmusson appealed the ruling of the President, leading all Senators to cast their vote on the question “Shall the decision of the President be the judgement of the Senate?” (Exhibit A: Senate Journal Page 203)
4. The roll was taken and the challenge to the ruling of the President failed 33-33, with Senator Nicole Mitchell casting a vote in favor of the ruling of the President. Without Senator Nicole Mitchell’s vote, the vote result would have been 32-33 and the appeal would have prevailed. (Exhibit A: Senate Journal Page 203)
5. Senate Rule 56.4 states members “*shall disclose potential conflicts of interest in the discharge of senatorial duties as provided in Minnesota Statutes, section 10A.07*”
6. Mason’s Section 522.1 states in part, “*No members can vote on a vote in which they have a direct personal or pecuniary interest.*”
7. According to Minnesota Statute 10A.07 Subd. 1(a), a legislator has a conflict of interest when “*in the discharge of official duties would be required to take an action or make a decision that would substantially affect the official’s financial interests.*”
8. The decision of the body had a direct impact on Senator Nicole Mitchell’s professional and financial interests. Her expulsion would have resulted in the loss of employment and position with the state as a senator.
9. Minnesota Statute 10A.07 Subd. 1 (a) 1 directs a legislator facing a conflict to: “*prepare a written statement describing the matter requiring action or decision and the nature of the*

potential conflict of interest” and Subd. 1(a)(3) instructs the same member to “deliver a copy of the statement to the presiding officer of the body of service.”

10. Minnesota Statute 10A.07 Subd. 1 also provides an alternative if there is insufficient time to comply with the written requirements, which would include, *“the public or local official must orally inform the superior or the official body of service or committee of the body of the potential conflict.”*
11. Minnesota Statute 10A.07 requires members to take certain actions when they have a conflict of interest. These include:
 - 10A.07 Subd. 2 (b) says: *“The official shall not chair a meeting, participate in any vote, or offer any motion or discussion on the matter giving rise to the potential conflict of interest.”*
 - 10A.07 Subd. 2 (c) requires: *“If the official is a member of the legislature, the house of service may, at the member’s request, excuse the member from taking part in the action or decision in question”*
 - 10A.07 Subd. 2 (d) says *“If an official is not permitted or is otherwise unable to abstain from action in connection with the matter, the official must file a statement describing the potential conflict and the action taken. A public official must file the statement with the board and a local official must file the statement with the governing body of the official’s political subdivision. The statement must be filed within a week of the action taken.”*
12. During the debate on January 27, 2025, Senator Torrey Westrom inquired with President Bobby Joe Champion the process by which a Senator declares a conflict of interest. In response to parliamentary inquiries, Champion noted conflict of interest rules are “self-enforcing,” and the Senate votes to excuse members for conflicts upon request. He further advised the body he had not received a request for a recusal from Sen. Mitchell. (Exhibit B, Transcript of Senate Floor Proceedings)
13. As members of the Minnesota Senate, all senators take an oath to uphold and protect the constitution. This is a duty to uphold the rule of law, maintain high ethical standards, and represent the public with dignity and respect.
14. Senate Rule 56.1 states: “Members shall adhere to the highest standard of ethical conduct as embodied in the Minnesota Constitution, state law, and these rules.”
15. Senate Rule 56.3 states: “Improper conduct includes conduct that violates a rule or administrative policy of the Senate, that violates accepted norms of Senate behavior, that betrays the public trust, or that tends to bring the Senate into dishonor or disrepute.”
16. Senator Nicole Mitchell’s continued participation on votes governing her membership in the Senate violates the public trust and fails to meet the highest standards of ethical conduct. This is a violation of Senate Rules 56.1 and 56.3.

Your complainants ask that the Subcommittee on Ethical Conduct investigate this matter immediately. Given the seriousness of the matter, it’s critical the Subcommittee work expeditiously to review the circumstances of this complaint and recommend discipline to the Rules Committee, pursuant to Rule 55.8. The Standards of Ethical Conduct outlined in our Senate Rules exist to build confidence in the decisions of this institution, and it is the duty and responsibility of every Senator to act in ways that strengthen public trust and integrity of the body.

Your complainants ask the Subcommittee on Ethical Conduct find Senator Nicole Mitchell violated multiple parts of Senate Rule 56 and recommends such disciplinary action as the Subcommittee finds appropriate.

Date: February 18, 2025

Senator Steve Drazkowski

Senator Cal Bahr

Senator Rich Draheim

Senator Steve Green

Senator Glenn Gruenhagen

Senator Karin Housley

Senator Eric Lucero

Senator Mark Koran

Senator Paul Utke

Subscribed to, and sworn before me, a notary public, on February 18, 2025

EXHIBIT A

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JOURNAL OF THE SENATE

WHEREAS, these dedicated employees of the Minnesota Senate have served the State of Minnesota through a career of professional commitment to state government and are deserving of special legislative recognition; and

WHEREAS, the employees being recognized for their service during Legislative Sessions with the Minnesota Senate include:

5 LEGISLATIVE SESSIONS

Jorgenson, David

WHEREAS, the members of the Minnesota Senate value and appreciate the depth of experience and institutional knowledge these individuals have developed and displayed throughout their careers; and

WHEREAS, a ceremony recognizing these employees for their service will be held in the Senate Chamber on January 27, 2025; and

NOW, THEREFORE, BE IT RESOLVED by the Senate of the State of Minnesota that it commends these employees of the Minnesota Senate for their dedication and outstanding service to the State of Minnesota.

BE IT FURTHER RESOLVED that the Secretary of the Senate is directed to prepare an enrolled copy of this resolution, to be authenticated by the Secretary's signature and those of the Co-Chairs of the Senate Rules and Administration Committee, and transmit it to the Office of the Secretary of the Senate for public display.

Senator Murphy moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Pursuant to Article IV, Section 7 of the Constitution of the State of Minnesota, Senator Rasmusson moved that Senator Nicole Mitchell be expelled from the Minnesota Senate effective immediately, and that a vacancy be declared in the office for Senate District 47.

RECESS

Senator Murphy moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a recess, the President called the Senate to order.

CALL OF THE SENATE

Senator Murphy imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

The Senate resumed consideration of the Rasmusson motion.

CALL OF THE SENATE

Senator Rasmusson imposed a call of the Senate for the balance of the proceedings on the Rasmusson motion. The Sergeant at Arms was instructed to bring in the absent members.

Pursuant to Sec. 562 of Mason's Manual of Legislative Procedure, Senator Frenz raised a point of order that the Rasmusson motion was out of order.

RECESS

Pursuant to Senate Resolution No. 1, section IX, paragraph d., Senator Johnson moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a recess, the President called the Senate to order.

CALL OF THE SENATE

Senator Rasmusson imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Pursuant to Senate Resolution No. 1, section IX, paragraph d., the President ruled the Frenz point of order well taken, and the Rasmusson motion was out of order.

Senator Rasmusson appealed the decision of the President.

The question was taken on "Shall the decision of the President be the judgment of the Senate?"

The roll was called, and there were yeas 33 and nays 33, as follows:

Those who voted in the affirmative were:

Boldon	Gustafson	Kupec	Mohamed	Rest
Carlson	Hauschild	Latz	Murphy	Seeberger
Champion	Hawj	Mann	Oumou Verbeten	Westlin
Cwodzinski	Hoffman	Marty	Pappas	Wiklund
Dibble	Johnson Stewart	Maye Quade	Pha	Xiong
Fatch	Klein	McEwen	Port	
Frenz	Kunesh	Mitchell	Putnam	

Those who voted in the negative were:

Abeler	Drazkowski	Howe	Limmer	Rasmusson
Anderson	Duckworth	Jasinski	Lucero	Utke
Bahr	Eichorn	Johnson	Mathews	Weber
Coleman	Farnsworth	Koran	Miller	Wesenberg
Dahms	Green	Kreun	Nelson	Westrom
Dornink	Gruenhagen	Lang	Pratt	
Draheim	Housley	Lieske	Rarick	

So the decision of the President was sustained.

ADJOURNMENT

Senator Murphy moved that the Senate do now adjourn until 11:00 a.m., Thursday, January 30, 2025. The motion prevailed.

Thomas S. Bottern, Secretary of the Senate

EXHIBIT B

Transcript of Exchange between Sen. Torrey Westrom and President Bobby Joe Champion
January 27, 2025

Champion: Sen. Westrom.

Westrom: Mr. Pres. I rise for a Parliamentary inquiry.

Champion: Please state your inquiry.

Westrom: Mr. Pres. A few inquiries, just so you know, first of all is Sen. Mitchell on the role present today?

Champion: Sen. Mitchell is in the chamber she is here under call just like all senators.

Westrom: Mr. Pres. My second parliamentary inquiry.

Champion: State your inquiry.

Westrom: Mr. President, has Sen. Mitchell asked to be recused from this vote or any vote dealing with discipline?

Champion: Sen. Westrom I think you know the answer to that, it is something that the body would vote on, if she asked. Sen. Westrom?

Westrom: Mr. President. As president of the Senate you have not had a request for recusal?

Champion: One not has been put forward to me or to this body. The person would have to rise and asked to be excused in the body would vote on that. Sen. Westrom?

Westrom. Further parliamentary inquiry Mr.. President. Under senate rules 56.3 would a member need to recuse themselves from a vote that deals with their discipline on behalf of the senate if it brings the Senate into disrepute or betrays the public trust?

Champion: Sen. Westrom to your question, we have the self-enforcing notion as it pertains to whether a person is going to vote or they believe the Conduct violates any rule or Policy.