

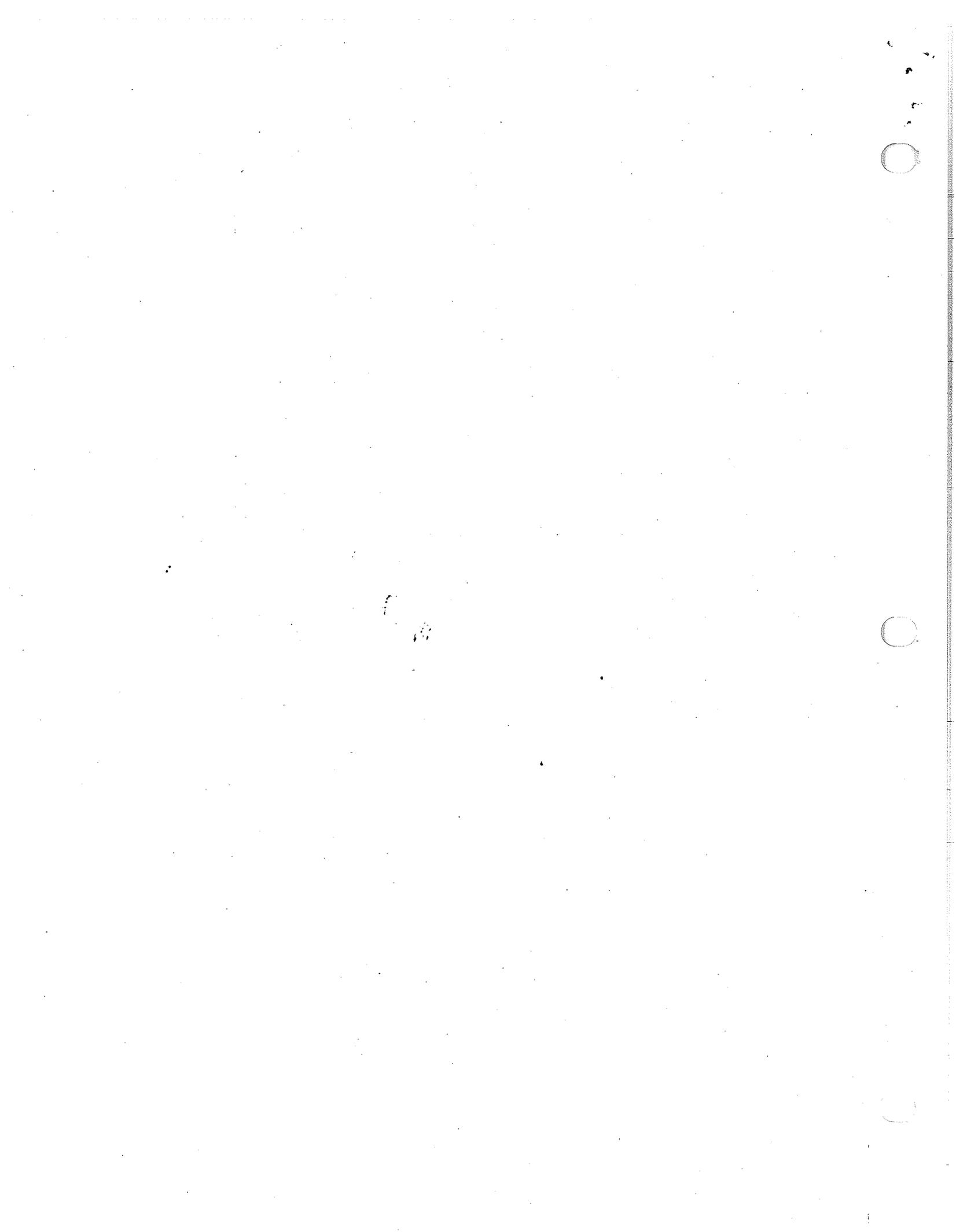
SENATE SPECIAL COMMITTEE

ON

ETHICAL CONDUCT

RE: SENATOR SAM G. SOLON

March 1994



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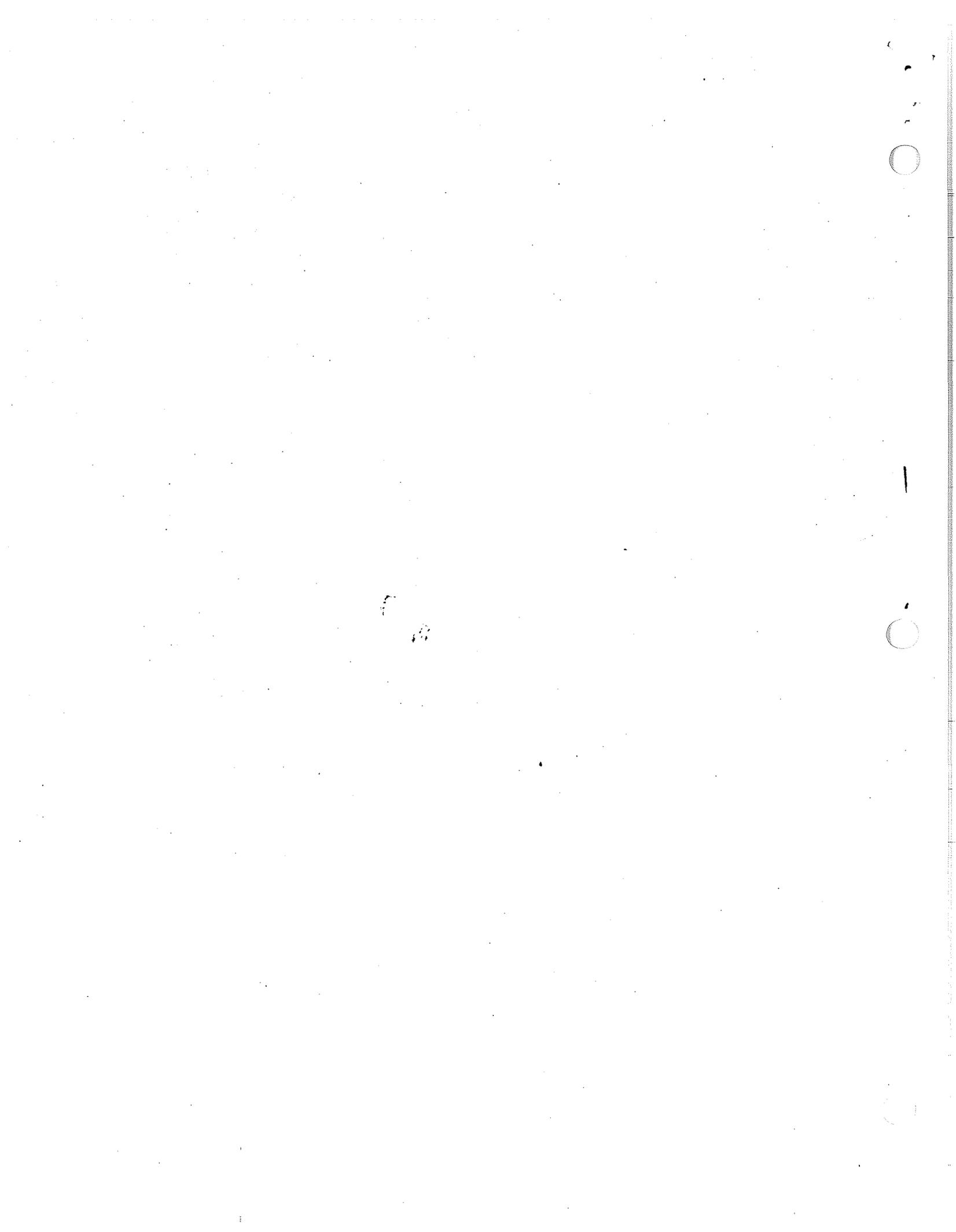
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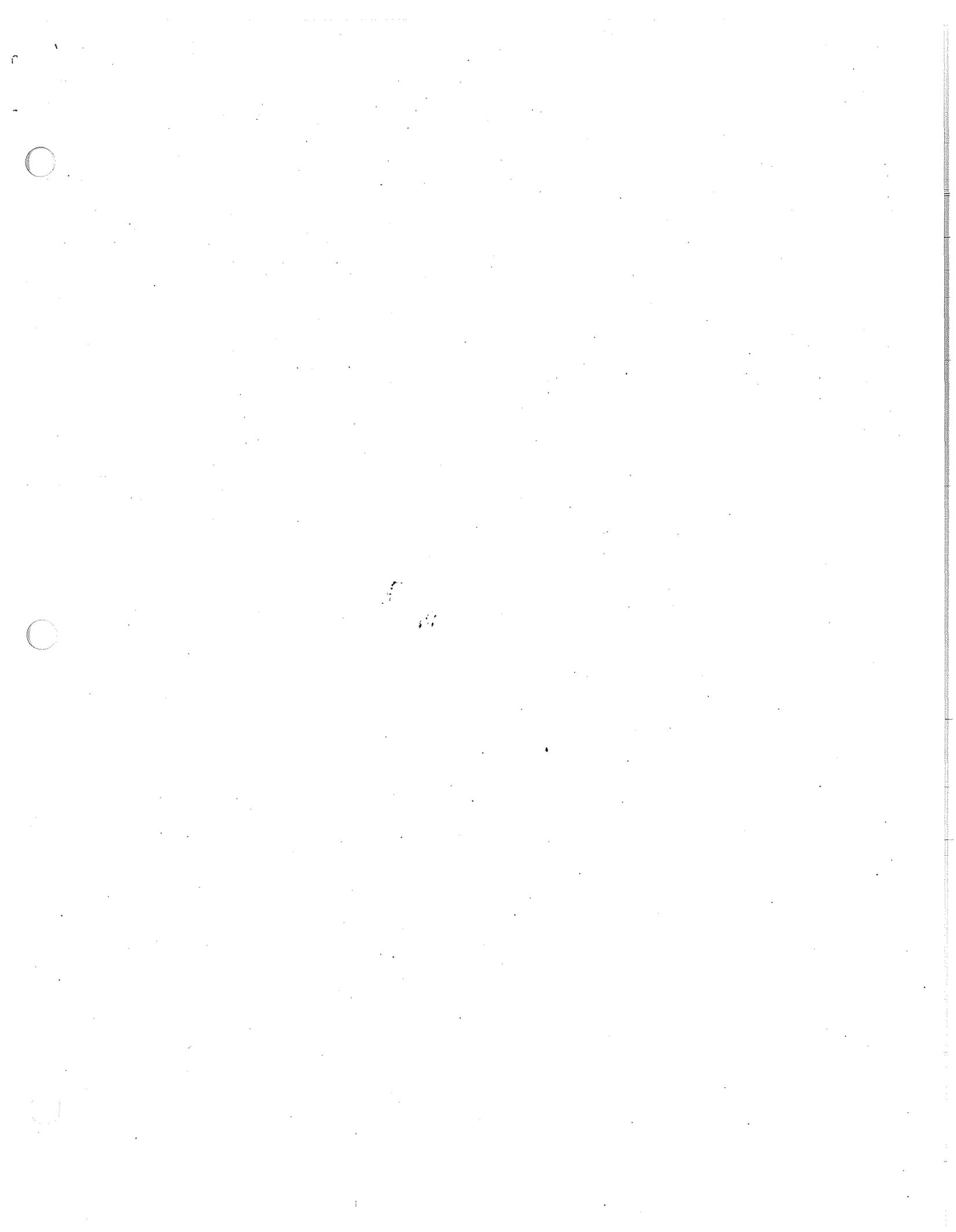
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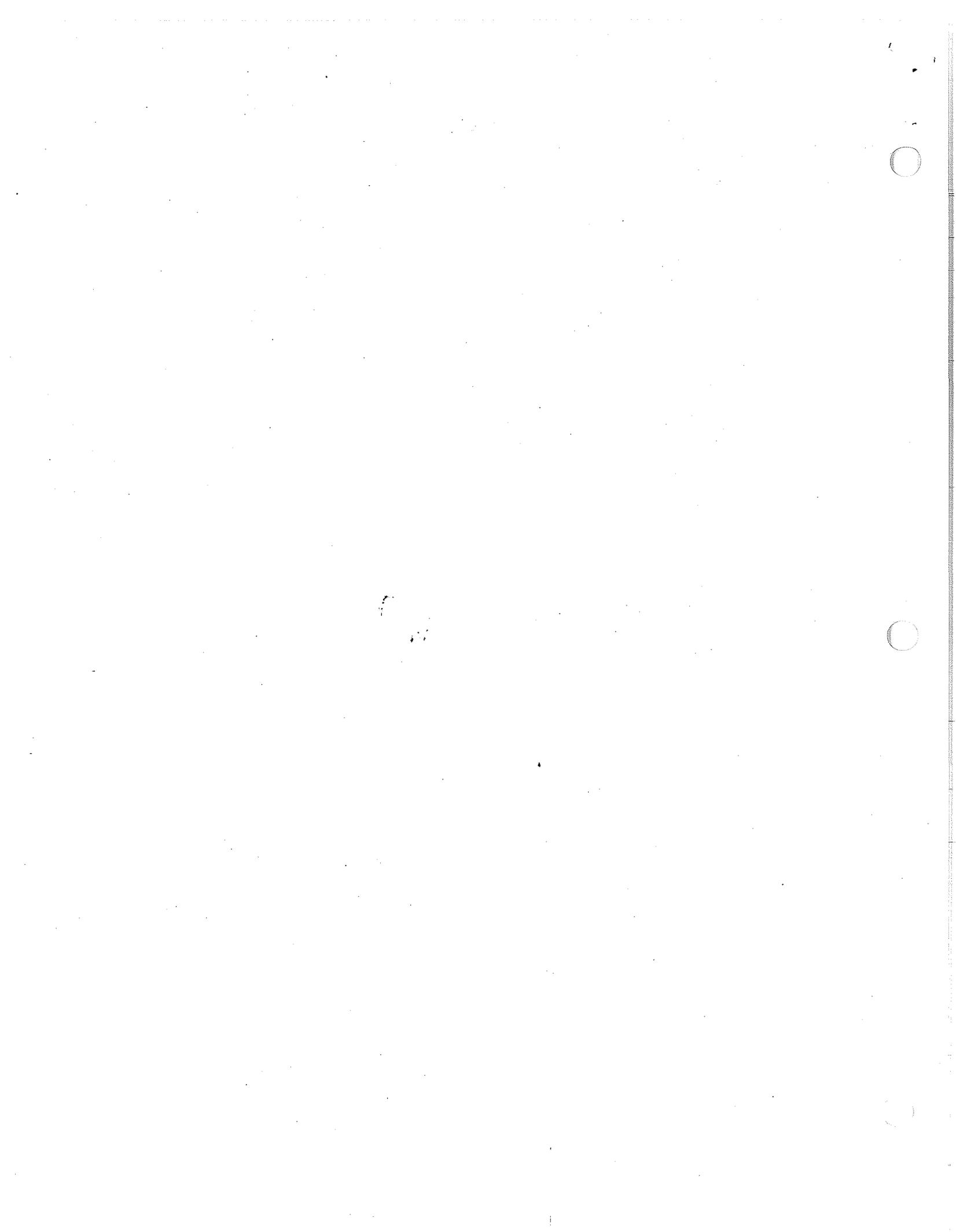
SENATE ETHICAL CONDUCT COMMITTEE

SPECIAL RULES OF PROCEDURE

1. All proceedings of the Committee will be conducted in accordance with Senate Rule 75.
2. The Committee will try to complete its work and report to the Senate before adjournment on May 19.
3. While the Committee is proceeding in executive session, all members, staff, and witnesses shall keep the proceedings of the Committee in confidence, except that after each meeting the chairman shall make available to the public a brief statement of the names of the witnesses who appeared and the general subject of the Committee's inquiry for that meeting.
4. Witnesses will be called at the request of any member of the Committee.
5. As soon as the agenda for a meeting has been finalized committee members will be notified and notices posted on the bulletin board. If a meeting will be in executive session, the cards will so note.
6. All evidence provided by witnesses shall be under oath.
7. Evidence presented at hearings conducted by the Committee will be in the following order:
 1. Evidence provided by complainant
 2. Evidence provided by accused
 3. Evidence requested by Committee
 4. Rebuttal evidence by complainant or accused
8. 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 Committee or Committee 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 4a, b, and c.
9. The Committee 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.

10. All parties and witnesses are entitled to appear with counsel.
11. Tape recordings and minutes of proceedings in executive session shall be kept confidential until the Committee 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.
12. Relevant portions of the tape recorded record of Committee proceedings will be transcribed at the request of any member of the Committee, subject to the requirements of confidentiality while the Committee is meeting in executive session.
13. A witness, upon his request and at his own expense, shall be furnished a certified transcript of his testimony.
14. The Committee, after hearing all evidence, will make findings of fact and recommendations to the Senate in accordance with Rule 75.
15. Findings of fact will be based upon a fair preponderance of the evidence.
16. The burden of proving a violation of Rule 75 is on the complainant.
17. After action by the Senate on recommendations of the Committee, all evidence will be returned to its proper owner.





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Senate

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December 3, 1993

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To: Senator John Marty, Chair
Special Committee on Ethical Conduct

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

Subj: Procedure for Considering Solon Matter

You have asked me to outline a procedure that the committee might use to discharge its responsibilities in the matter of Senator Solon's use of the Senate's WATS line telephone service. I see several questions that the committee will want to answer.

1. What is the Complaint?

No complaint has yet been filed with the committee regarding Senator Solon's use of the WATS line. Rather, Senator Solon has pledged to bring to the attention of the committee any conduct that the Attorney General or the county attorney finds inappropriate. If the committee chooses to proceed without a formal complaint or request by someone else, it should first articulate what is the problem it wants to solve.

2. What are the Facts?

Senator Solon has admitted giving the Senate's WATS line access code to Mr. Charles Westin, a registered lobbyist, who used it for nonstate business and provided it to others for their use in nonstate business. Several articles have appeared in the newspapers describing in more detail what happened.

- a. What does Senator Solon have to say about what has been written about him so far?
- b. What more does the committee want to know?
- c. Will Senator Solon tell them all they want to know?

Senator John Marty
December 3, 1993
Page 2

- d. Who else would the committee like to question about this matter?
- e. What review of Senator Solon's telephone records would the committee like to undertake?

3. Was Senator Solon's Conduct Unethical?

Once the committee is satisfied it knows what happened, it must decide whether Senator Solon's conduct was wrong. The Attorney General and Olmsted County Attorney are investigating whether Senator Solon's conduct was illegal. The committee will have to decide whether his conduct was unethical.

- a. Did it violate any Senate rule?
- b. Did it violate any Senate administrative policy?
- c. Did it violate accepted norms of senatorial behavior?
- d. Did it betray the public trust expected of a Senator?
- e. Did it bring the Senate into dishonor or disrepute?

4. What Disciplinary Action is Appropriate?

If you conclude that Senator Solon's conduct was unethical, you must decide what disciplinary action to recommend to the full Senate. A separate memorandum listing possible options will follow.

5. Which of the Committee's Responsibilities Should it Delegate to Others?

Depending on the questions it wants answered and the sources it wants consulted, the committee may want to delegate some of its investigative responsibilities to staff or to outside investigators or consultants. The committee might also ask for someone else's opinion on whether Senator Solon's conduct was unethical and what disciplinary action might be appropriate, if any. The committee will have to decide which tasks to delegate, to whom, and when.

PSW:ph

cc: Senator Duane D. Benson
Senator Steven G. Novak
Senator Roy W. Terwilliger

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December 8, 1993

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MAJA WEIDMANN

To: Senator John Marty, Chair
Special Committee on Ethical Conduct

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

Subj: Appropriate Disciplinary Action

Senate Rule 75 requires that, “[i]f, after investigation, the [Special Committee on Ethical Conduct] finds [a] complaint substantiated by the evidence, it shall recommend to the Senate appropriate disciplinary action.” You have asked me to outline the choices the committee may have when deciding upon the “appropriate disciplinary action” for Senator Solon.

I am not aware that the Minnesota Senate has ever taken formal disciplinary action against a member, so the following list is based on suggestions from other sources.

1. Expulsion

The Minnesota Constitution, article IV, § 7, provides:

Each house may determine the rules of its proceedings, sit upon its own adjournment, punish its members for disorderly behavior, and with the concurrence of two-thirds expel a member; but no member shall be expelled a second time for the same offense.

The United States Senate has expelled only 15 members, one during the late 1700s for disloyal conduct and 14 during the Civil War for disloyalty to the Union. The United States House of Representatives has expelled only four members, three during the Civil War for disloyalty and one in 1980 after he was convicted of bribery and conspiracy in office. J. Maskell, *Expulsion and Censure Actions Taken by the Full Senate Against Members*, CRS Report to Congress (1993).

2. Censure

In addition to authorizing the Senate to expel a member, section 7 also authorizes the Senate to "punish its members for disorderly behavior." The United States Senate has used the identical authority in the federal constitution to censure a member. A resolution of censure, adopted by the U.S. Senate, may use that term or others, such as "condemn" or "denounce," to describe the Senate's disapproval of a member's conduct. Maskell, *supra*, at CRS-10.

a. Condemnation

In 1929, the United States Senate condemned Senator Hiram Bingham for placing on the payroll of a committee an employee of a trade association that had a direct interest in the legislation before the committee. The employee was given access to secret committee deliberations because of his position. Senator Bingham was an unsuccessful candidate for re-election in 1932. Maskell, *supra*, at CRS-4, CRS-11 n.53.

Senator Joseph R. McCarthy was removed as chairman of the Permanent Subcommittee on Investigations and condemned by the United States Senate in 1954 for his "contemptuous" conduct toward a subcommittee that had investigated his finances in 1952 and for his abuse of the committee that had recommended his censure. He died in office in 1957. *Id.*

b. Censure

Senator Thomas Dodd was censured by the United States Senate in 1967 for personal use of campaign funds. He was an unsuccessful candidate for re-election in 1970. Maskell, *supra*, at CRS-5, CRS-11 n.53.

Representative Randy Staten was censured by the Minnesota House of Representatives in 1986 for deliberately and repeatedly failing to file accurate campaign finance reports and for pleading guilty to a charge of felony theft. JOURNAL OF THE HOUSE 7456-75 (1986).¹

¹ The Minnesota Constitution, art. IV, § 6, says that "senators and representatives must be qualified voters of the state . . ." Article VII, § 1, says that a convicted felon is not eligible to vote, unless restored to civil rights. Article IV, § 6, makes each house the judge of the eligibility of its own members. That judgment is made by a majority vote. The House's Select Committee on the Staten Case found that, although Representative Staten was convicted of a felony, his sentence of 90 days in jail was within the limits for a misdemeanor and therefore, under Minn. Stat. § 609.13, was deemed a misdemeanor, rather than a felony. Therefore, he could not be disqualified by a majority vote, but could only be expelled by a two-thirds vote. The Select Committee recommended that he be expelled, but the vote to expel him failed 80-52 (90 votes were required). A subsequent motion to censure passed 99-31. JOURNAL OF THE HOUSE 7457-75 (1986).

c. Denunciation

Senator Herman Talmadge was denounced by the United States Senate in 1979 for converting campaign funds to personal use, claiming excess reimbursements for his expenses, and failing to file accurate financial disclosures and reports. He was defeated for re-election in 1980. *Id.*

Senator David Durenberger was denounced by the United States Senate in 1990 for using a book-selling scheme to evade the Senate's limit on honoraria and for billing the Senate for lodging in a condominium he owned. On September 16, 1993, he announced that he would not seek re-election. Maskell, *supra*, at CRS-6, CRS-11 n.53.

3. Reprimand

The United States Senate Committee on Ethics reprimanded Senator Alan Cranston, a member of the "Keating Five," in 1991. S. Rep. No. 102-223, 102nd Cong., 1st Sess. 36 (1991). He did not seek re-election.

The full Senate has chosen not to use the term "reprimand" because:

It just does not mean anything. It means what you might call just a slap on the wrist. It does not carry any weight.

Senator John Stennis, Chairman of the Select Committee on Standards and Conduct, 113 *Cong. Rec.* 16984 (June 22, 1967), quoted in Maskell, *supra*, at CRS-18.

The United States House of Representatives, on the other hand, has made a custom of including in a censure resolution a requirement that the censured member to go down before the bar and be publicly "reprimanded" by word of mouth by the Speaker. *Id.*

4. Apology

Senator Solon has already apologized to the Senate that his "indiscretion in giving out the Senate's credit card number" has "tainted this body with public ridicule." He has not admitted that any of his conduct was inappropriate.

5. Payment of a Fine

Mason's Manual says that, in order to compel attendance at a session, a house "may inflict such censure or pecuniary penalty as may be deemed just." *Mason's Manual of Legislative Procedure*, § 561, ¶ 5 (1989). I presume this broad power to punish a member would apply to discipline for abusing telephone privileges of the house as well as for missing meetings.

The civil fine imposed by the Ethical Practices Board for violations of the campaign spending laws ranges from the amount of the excess spending (for inadvertent violations) to four times the amount of the excess (for more serious violations). Minn. Stat. § 10A.28.

6. Restitution

Senator Solon has already repaid the Senate the amount of his excess telephone charges. He has not paid the Senate any compensation for the embarrassment it has suffered.

7. Loss of Privileges

a. Removal as Committee Chair

One of the most important privileges afforded to a senior member of the Senate is the opportunity to serve as chair of a standing committee. Removal from that position of honor and trust would be a severe punishment to the member removed.

The only member of Congress I have found who was removed from his position as a committee chair was Senator Joseph R. McCarthy in 1954. COMPTON'S ENCYCLOPEDIA, ONLINE EDITION (downloaded from America Online, November 22, 1993). Two other committee chairs resigned under pressure from their caucus. In 1974, U.S. Representative Wilbur Mills resigned as chairman of the House Ways and Means Committee after he appeared on stage with Fanne Foxe to congratulate her on a striptease performance and it became clear his caucus would not retain him as chair when the next Congress reconvened. He did not seek re-election in 1976. CONGRESSIONAL QUARTERLY, CONGRESS AND THE NATION 1973-76, VOL. IV, 764 (1977). In 1976, U.S. Representative Wayne Hays resigned as chairman of the House Administration Committee for employing Elizabeth Ray in a secretary's position to serve as his mistress. Speaker O'Neill had bluntly told Hays he must resign immediately. *Id.* at 779-80.

A disadvantage of removing a member as chair of a committee is that it could disrupt the Senate as other members competed to replace him as chair and proposed various other shifts in committee assignments following his removal.

b. Removal from Committee Membership

Senator Solon could be removed from membership on one or more standing committees. However, this too could disrupt the Senate as other members competed to replace him.

Senator John Marty
December 8, 1993
Page 5

c. Reduce Staff

As a committee chair, Senator Solon has both a Committee Secretary and a Committee Administrative Assistant. One staff could be eliminated, but that would depart from the staffing pattern for all other committees, increase the burden on the remaining staff, and perhaps make it difficult for the committee to operate, thus harming the other members of the committee as well.

d. Reduce Miscellaneous Privileges

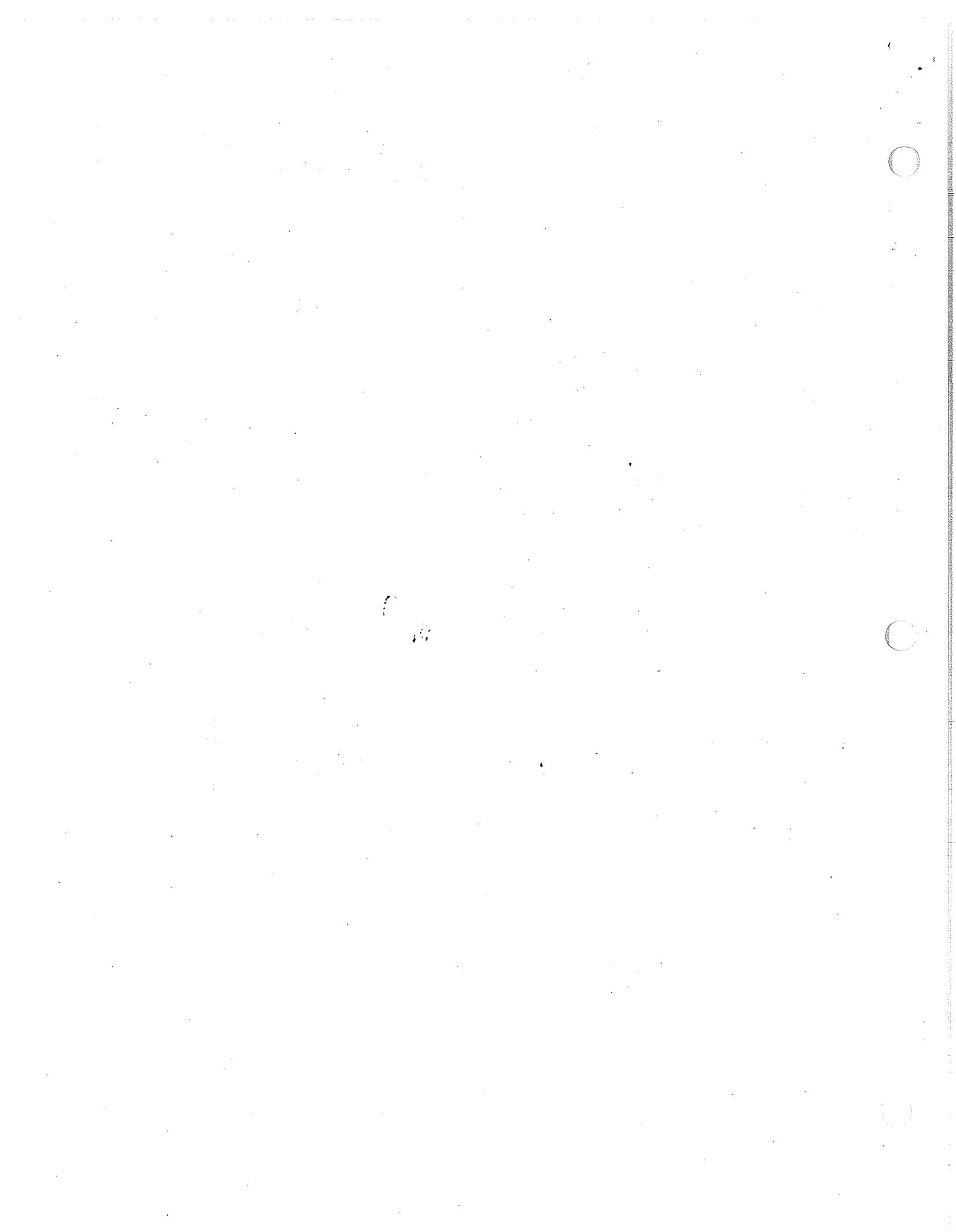
Other possible punishments, none of which seem appropriate in these circumstances, would include reducing his postage allowance, curbing his out-of-state travel, moving his office location, and changing his parking space.

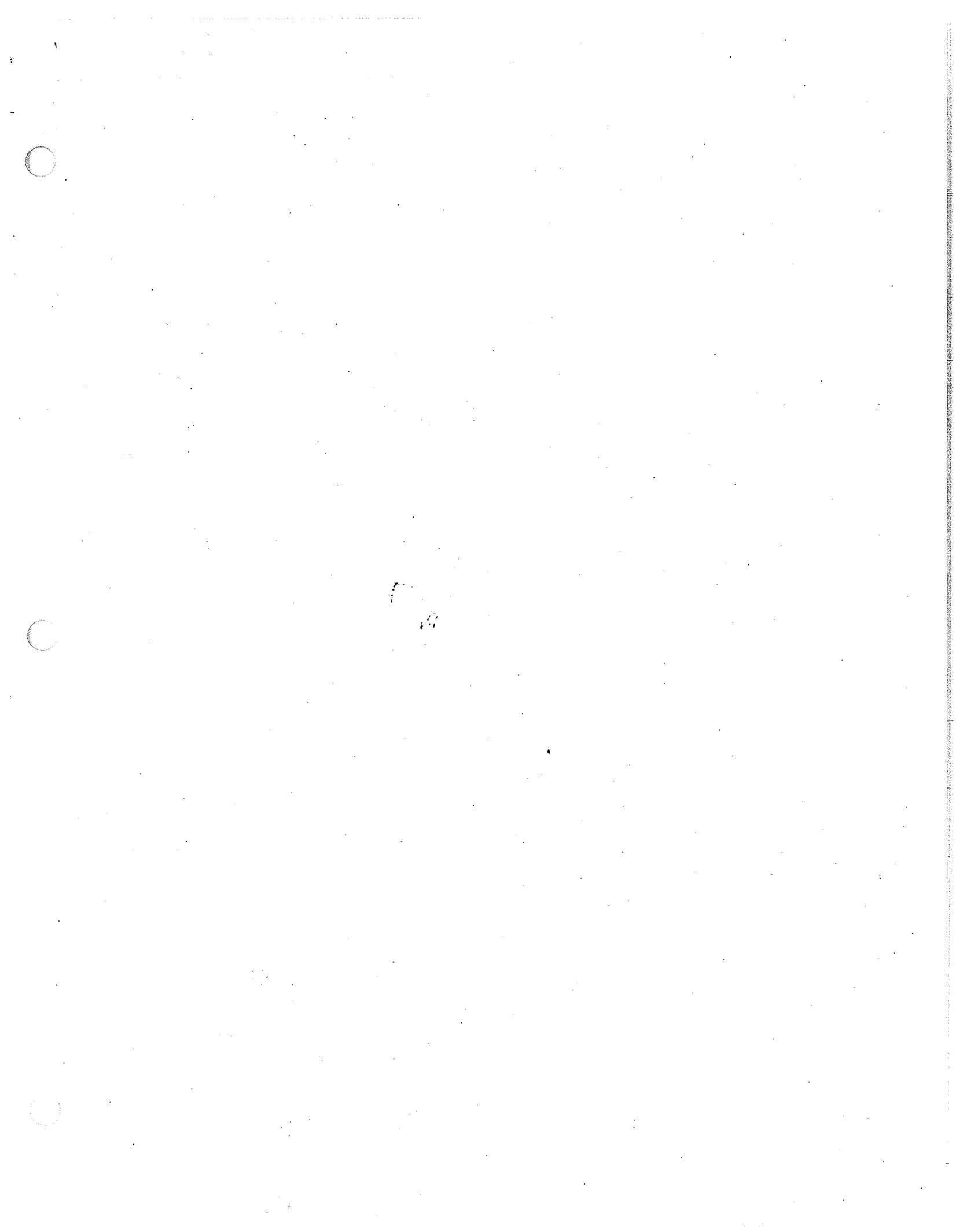
8. Supervision

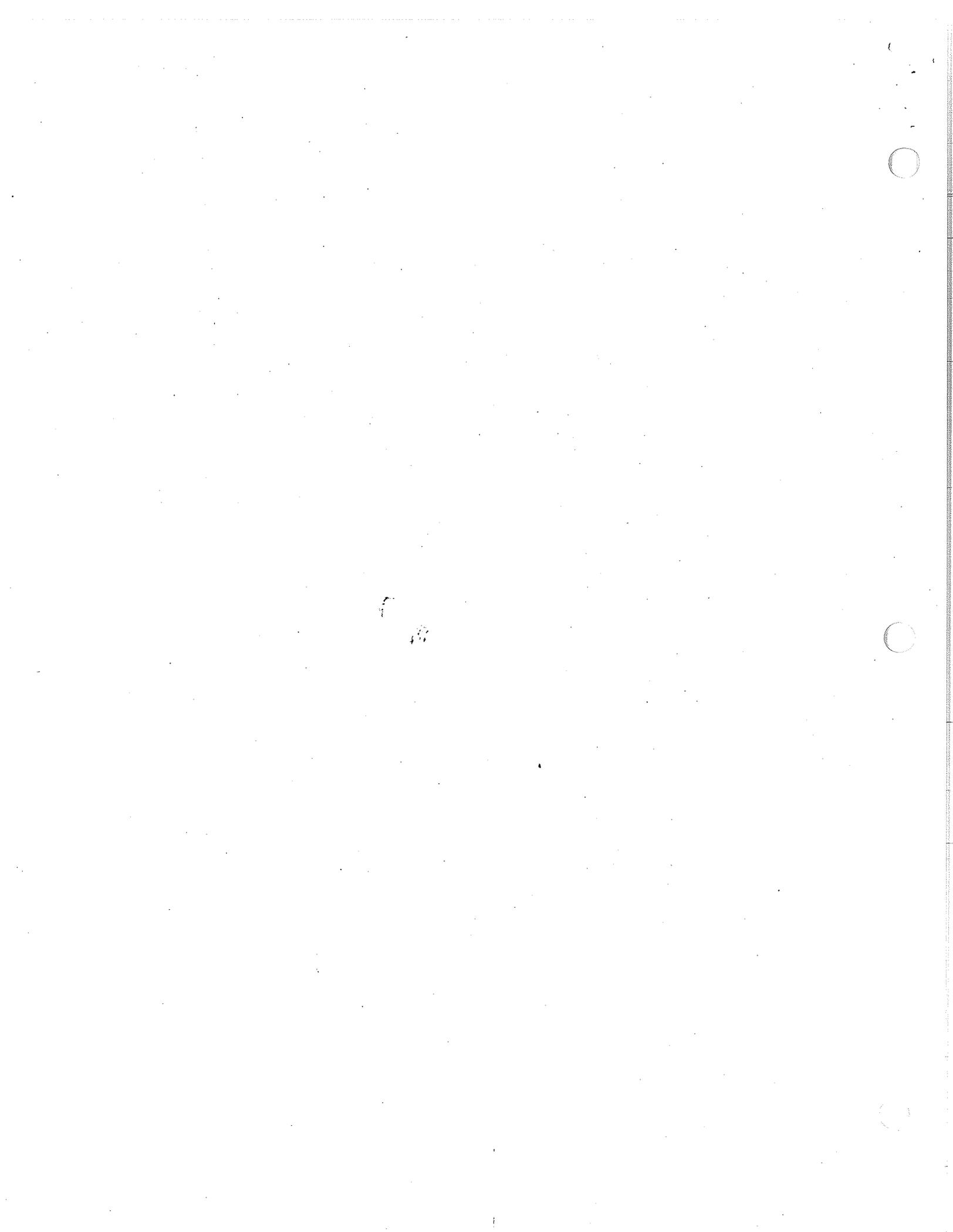
In order to prevent further abuse of the state's telephone system by elected and appointed officials, the Legislature passed Laws 1993, chapter 370. Section 4, to be coded as Minn. Stat. § 10.43, requires each elected official and agency head to "sign the person's monthly long-distance telephone bills paid by the state as evidence of the person's approval of each bill." Section 7, to be coded as Minn. Stat. § 10.46, makes long-distance telephone bills paid for by the state public data, so that any member of the public may ask to see them. These new requirements are forms of supervision. If the committee had a special concern about Senator Solon's telephone usage, it might want to impose on him even more supervision, such as requiring him and others in his office to fill out daily logs of all their long-distance calls, or requiring someone outside their office to approve their long-distance calls, or both.

PSW:ph

cc: Senator Duane D. Benson
Senator Steven G. Novak
Senator Roy W. Terwilliger
Senator Sam G. Solon







SAM SOLON
Senator 7th District
616 West Third Street
Duluth, Minnesota 55806
Phone: (218) 727-3997
and
Room 303 State Capitol
St. Paul, MN 55155
Phone: (612) 296-4188

Senate

State of Minnesota

May 12, 1993

Senator Allan Spear
Room G-27, Capitol
St. Paul, MN 55155

Dear Al,

You have all heard and read about the problems I have had with my long-distance telephone bill. After consulting with others involved, I reconstructed what had happened and gave the Senate my personal check for \$2,618.56 to cover all the personal calls that had been billed to the Senate.

I have paid my debt to the taxpayers of this state, and I have publicly apologized that my indiscretion in giving out the Senate's credit card number allowed these charges to be incurred.

But this is not only a matter of money. It is a matter of honor, and of trust. I trusted too much, and have tainted this body with public ridicule. For that I must apologize to you.

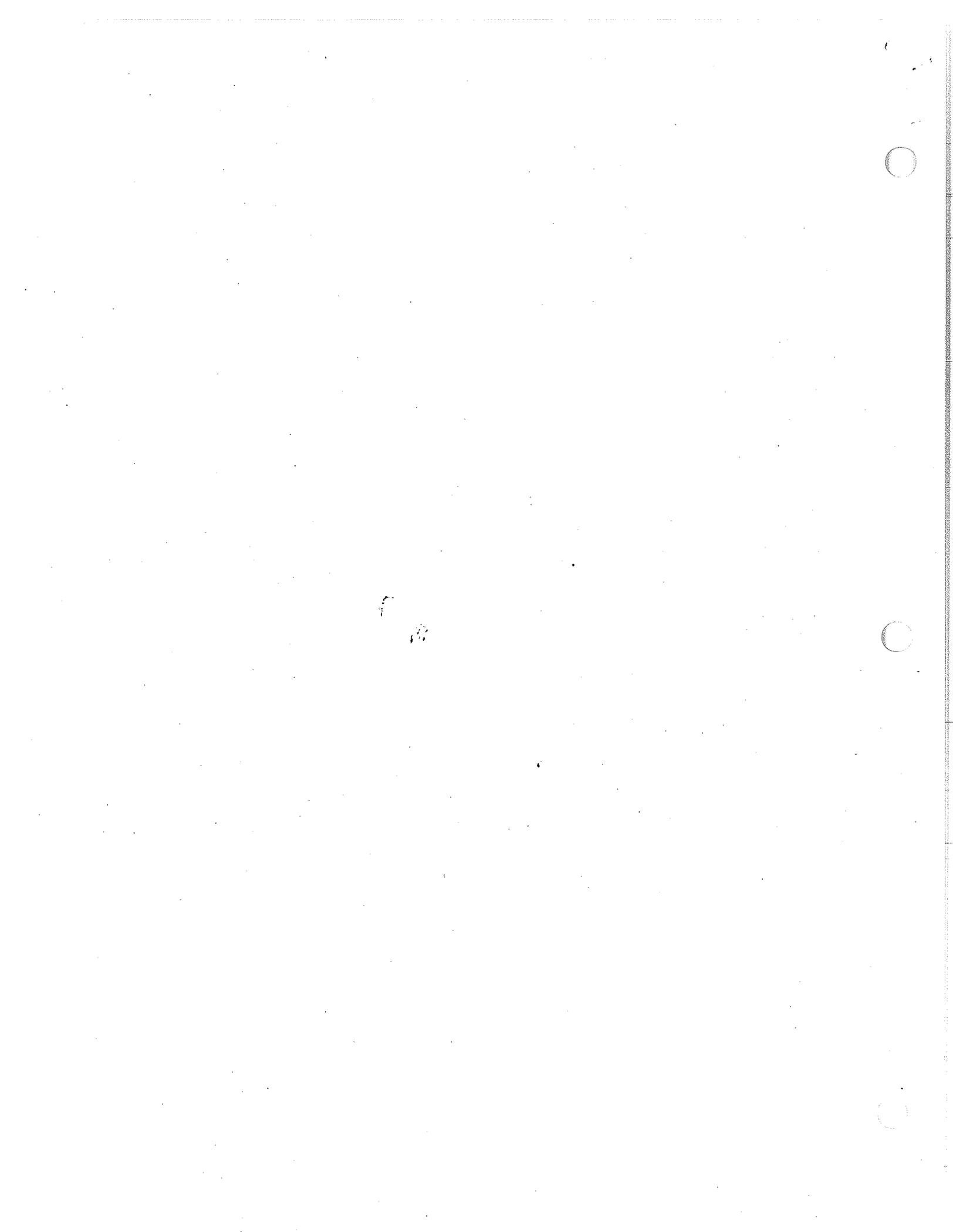
That is why I pledge to cooperate with all investigations presently being conducted. If those investigations point to any of my conduct as being inappropriate, I pledge I will personally bring this matter to the attention of the Special Committee on Ethical Conduct.

Again, I apologize to you.

Sincerely,



Sam G. Solon
State Senator

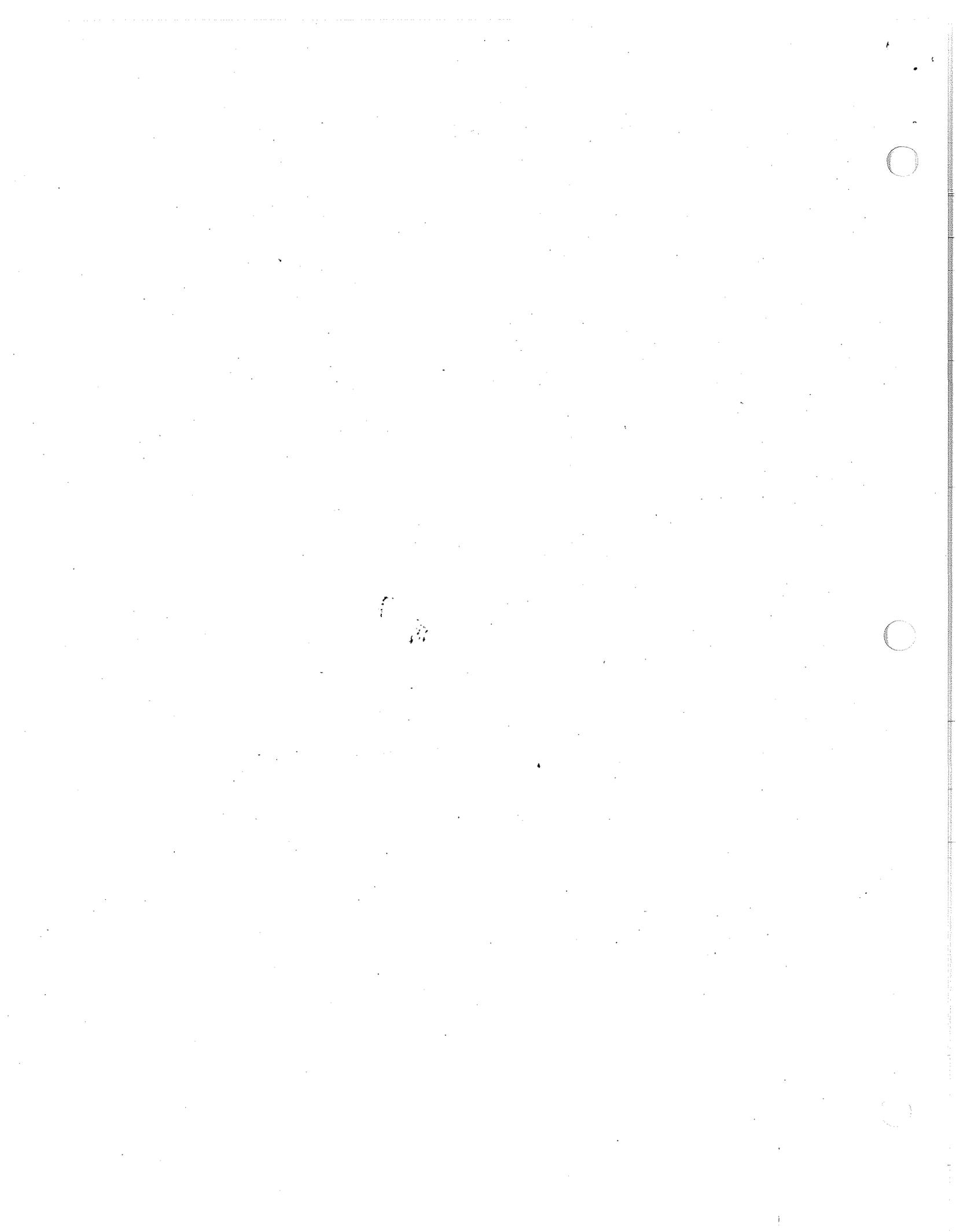


May 12, 1993 SENATE FLOOR SESSION, MINNESOTA STATE SENATE

Mr. President, I would like a point of personal privelege please.

Senator Solon.

Mr. President, and members of the Senate you have on your desks a letter that I have written to all of you, very painfully on my part. An apology for the embarrassment and the notariaty that I have helped inflect upon this, on this body, for which I deeply apologize to all of you. I have been a member of the legislature since 1971 and of this body that I learned to love and appreciate since 1973. And I have tried to conduct myself in a sincere and honest manner with intrigity and fairness to all people regardless of your political affiliation, what party you belong to and what your stature in life has been and I will continue to do this as long as I am a member of this body. But as we all have been painfully aware as I said earlier the phone issue that has, I am sure bothered all of us and has inflected some constraintion on all our parts especially in the other body, but for me personally it has been a front page story in my newspaper three times already and I persume everytime it's brought up I will get more publicity and I know that I am speaking here for the damage it has inflected on this body, but when my mother reads this and my brothers, sisters and kids, and my friends and neighbors, it is also very painful to me and it something that concerns me and has made life very difficult as we try to proceed in this body. I hope to continue serving in the manner in which I have in the past. I want to again apologize for any discomfort, for any pain, for any embarrassment that I may have caused anybody in this body. I want to thank you for your support, I want to thank Senator Roger Moe, the Majority Leader and Senator Dean Johnson, the Minority Leader for their understanding, their patience, and their counsel. It was because of their discussions with me that I am standing here today and that I have written this letter to you, so please bare with me and I apologize, and thank you very much.



SAM SOLON
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Senate
State of Minnesota

May 13, 1993

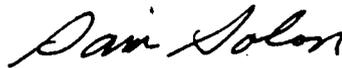
Senator John Marty, Chair
Committee on Ethics and Campaign Reform
G-9 State Capitol
St. Paul, MN 55155

Dear John,

Pursuant to my recent letter of apology to all members of the Senate, I wish to voluntarily submit myself to appear before the Ethics Committee of the Minnesota Senate on this matter.

As you know, this issue is under investigation by the Minnesota Attorney General. I would request that any action by the Senate Ethics Committee be delayed until after that investigation is complete.

Sincerely,



Sam G. Solon
State Senator

SGS:bf

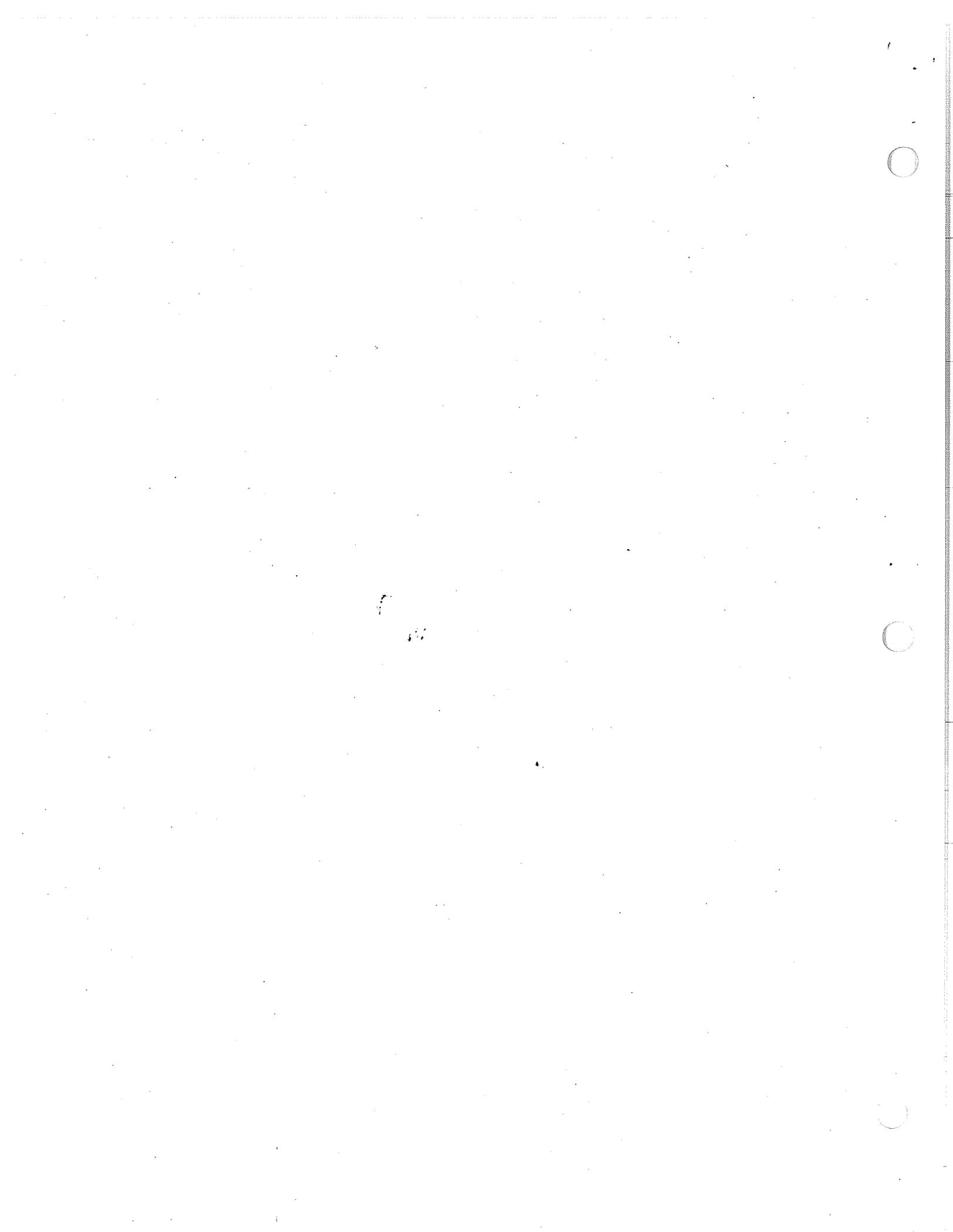
cc: Senator Roger Moe
Senator Dean Johnson

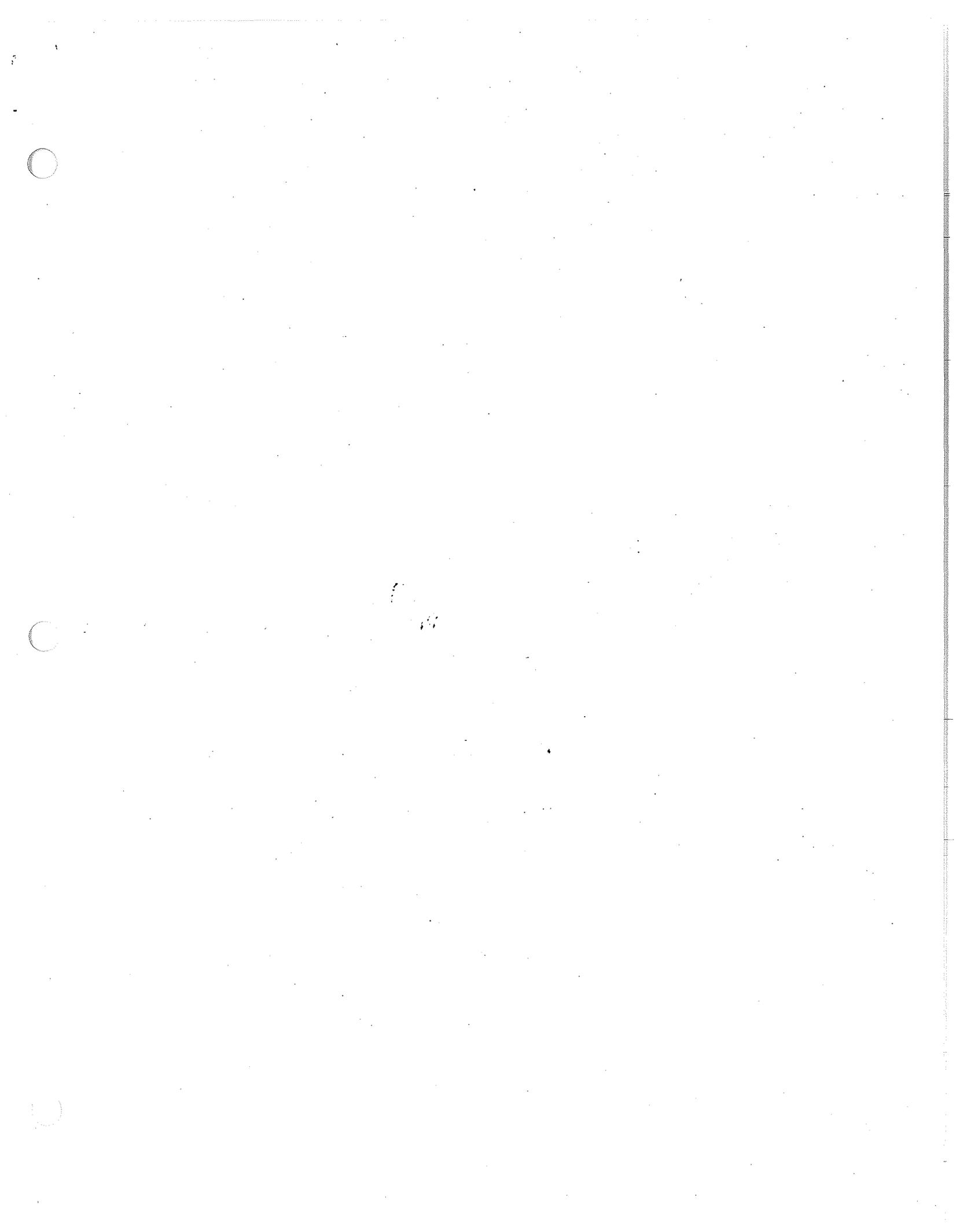


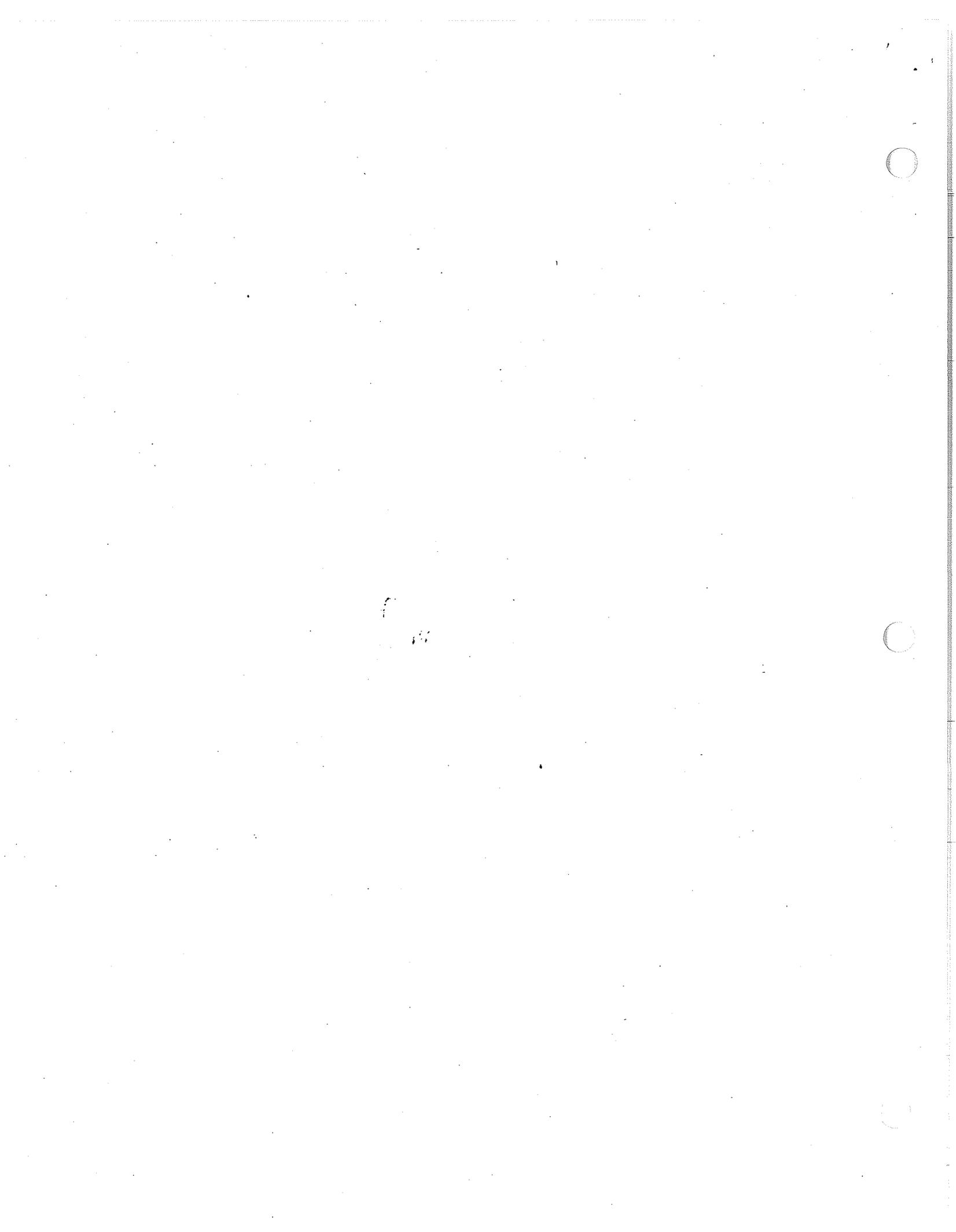
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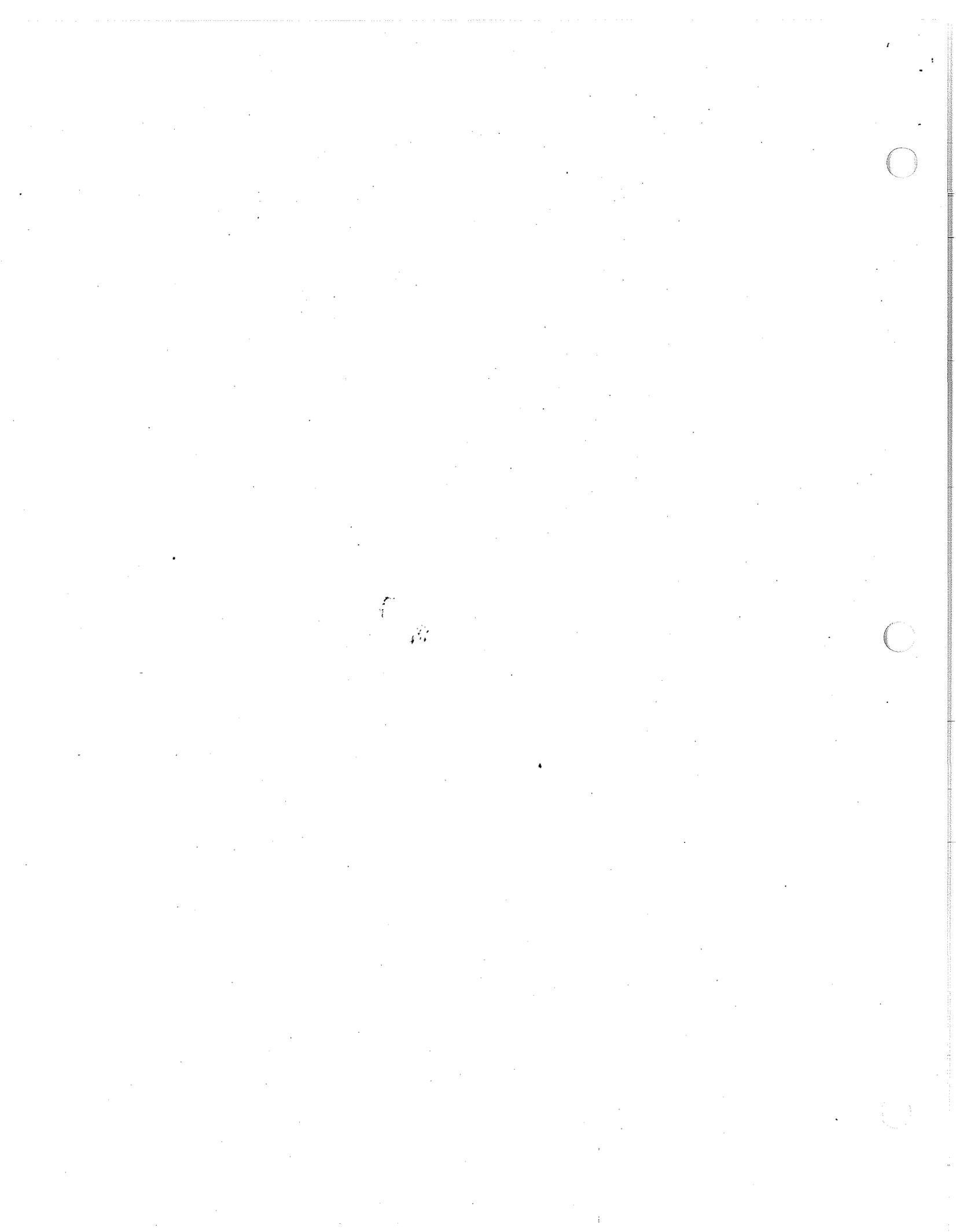


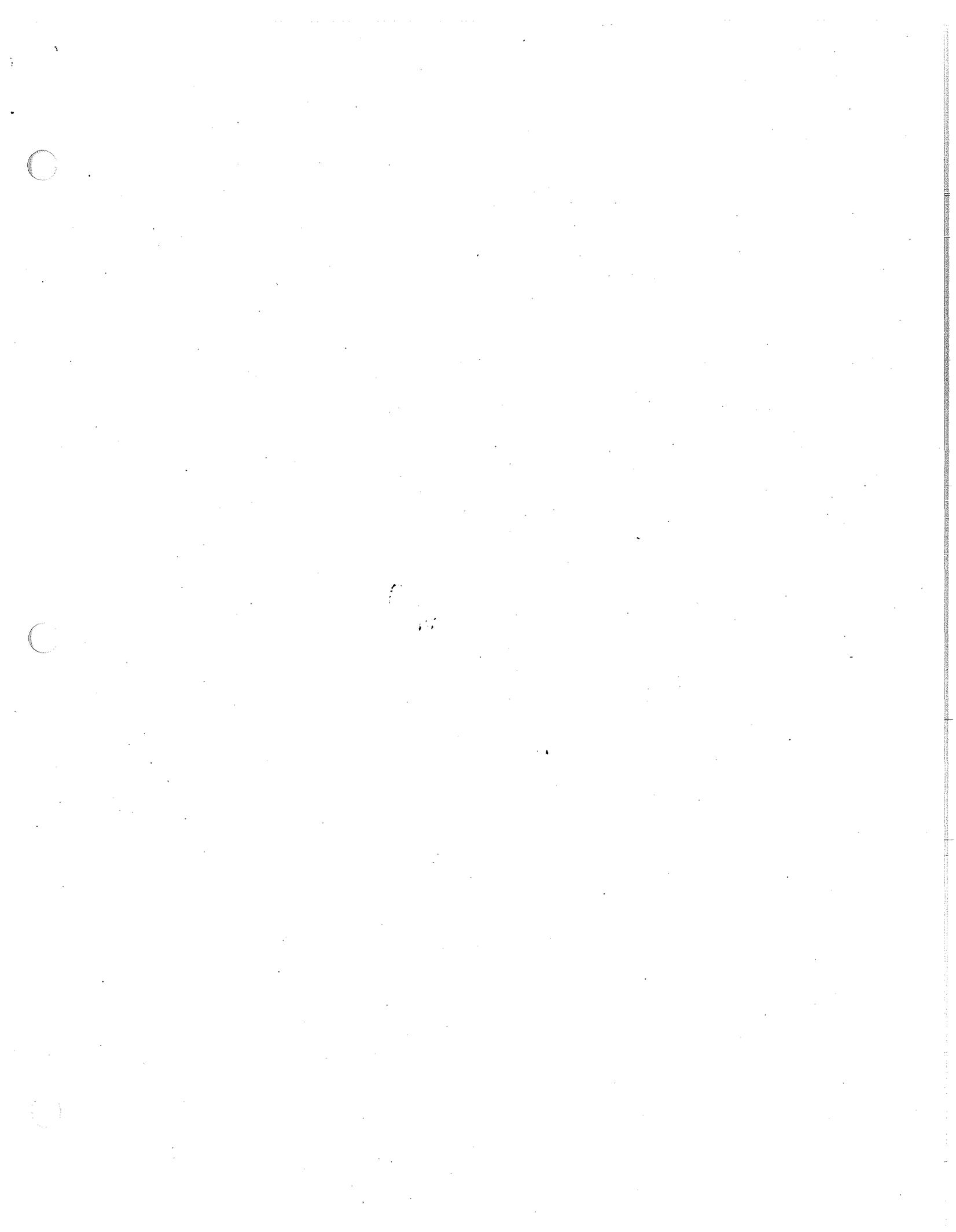
(Statement of Charles Westin regarding personal long distance phone calls to South Africa appearing on Sen. Sam Solon's phone charges)

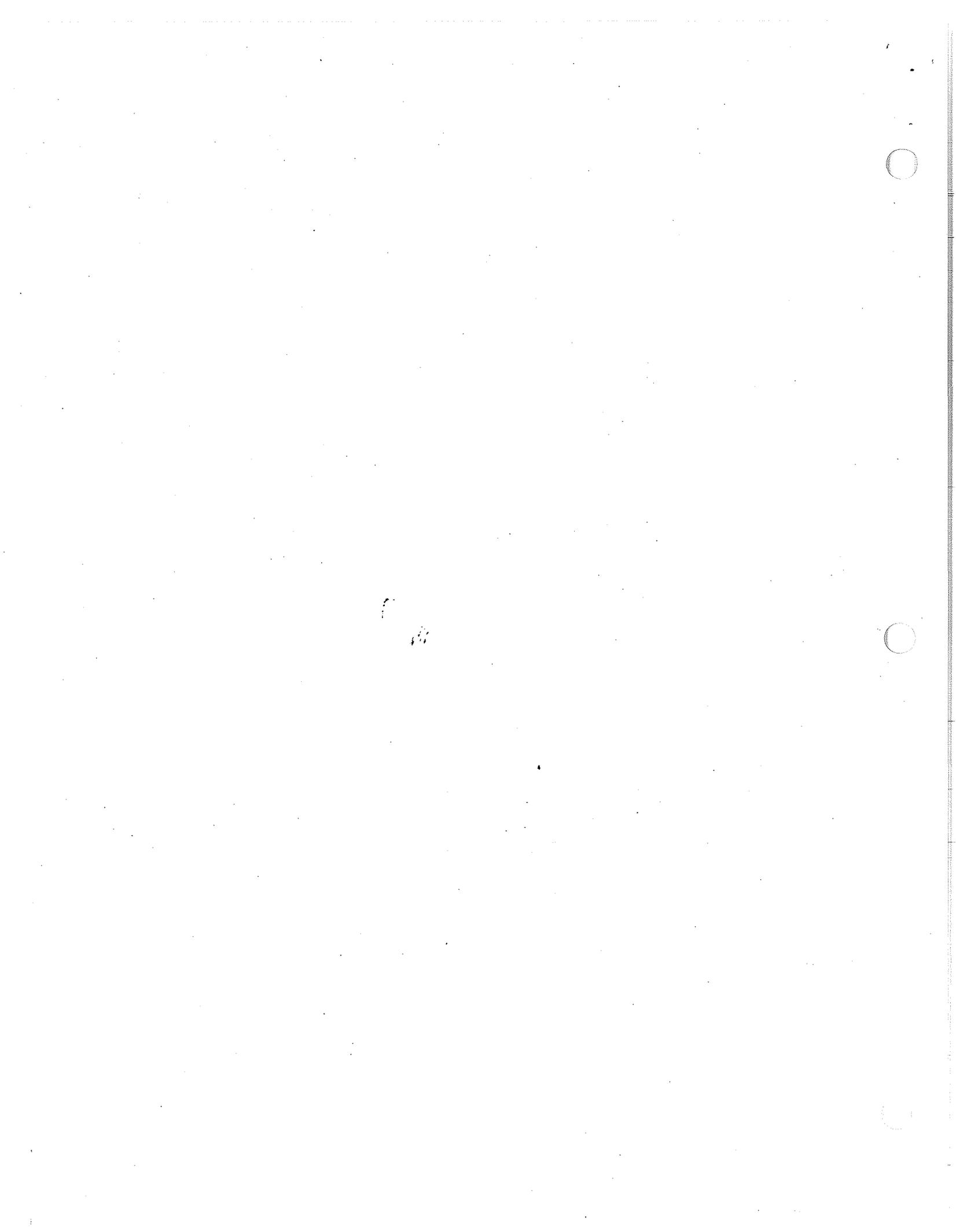
The long distance calls to South Africa that were charged to Senator Sam Solon's phone were the result of an inappropriate personal effort I engaged in to help a struggling black-owned St. Paul business, at no personal gain. A check, from the business person in question, to cover the cost of those phone calls to South Africa was sent to Senator Solon in a letter in early March, prior to the eruption of the present legislative phone investigation. Sen. Solon has subsequently repaid the monies to the Minnesota State Treasury.

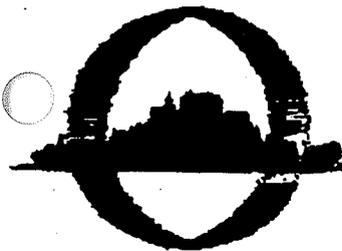
While my heart may have been in the right place to assist a minority-owned business, I simply did not think this through. Even though the cost of the phone calls was paid to the State and even though there was never any intent to avoid paying for the calls, such use of a State Senator's phone was wrong and uncalled for and something I deeply regret having done.

I take full personal responsibility for this error in judgment, and I apologize to Senator Solon for having brought undeserved criticism on him and the state senate.









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CHILD SUPPORT
507-287-2204

February 24, 1994

Thomas Foley
Ramsey County Attorney
Suite 400
350 St. Peter St
St. Paul, Minnesota 55102

Re: INVESTIGATION OF THE UNAUTHORIZED USE OF SENATOR SAM SOLON'S OFFICE PHONE
AND STATE TELEPHONE BARRIER CODE

Dear Mr. Foley:

After reviewing the reports submitted in this investigation this office is declining to file criminal charges against Senator Sam Solon, Ronald and Constance Limoseth, Tom Bergh and Donald Johnson for the reasons addressed below.

The Olmsted County Attorney's Office agreed to review the investigative materials in this matter for potential criminal prosecution when it became known that an employee of the Minnesota Attorney General's Office had used Senator Solon's office phone to place unauthorized long-distance phone calls. Our office received initial investigative reports in mid-June 1993.

After reviewing the investigative reports initially submitted it was decided further investigation into specific details of the use of Senator Solon's office telephone and state telephone long-distance barrier code was necessary. The investigation focused on the following issues:

A) Did State Senator Sam Solon violate criminal laws when he provided his State issued long-distance barrier code to Charles Westin, Ron Limoseth, Senator Solon's son and Tom Bergh, Executive Director of Northeast Minnesota Development Association (NEMDA)?

B) Did Charles Westin violate criminal laws when he provided use of Senator Solon's office phones and barrier code to Don Johnson, a minority businessman for use in getting an import business started?

C) Did Westin violate criminal laws when he used Senator Solon's barrier code to place long-distance calls to NEMDA, a lobbyist client?

D) Did Don Johnson violate criminal laws when he used Senator Solon's barrier code and Senate office phone to place long-distance calls?

E) Did Ron Limoseth violate criminal laws when he used Senator Solon's barrier code?

Mr. Thomas Foley
February 24, 1994
Page 2

F) Did Constance Limoseth violate criminal laws when she used Senator Solon's barrier code to place admitted personal calls from Pompano Beach, Florida?

G) Did Tom Bergh, Executive Director of Northeast Minnesota Development Association (NEMDA) violate criminal laws when he used Senator Solon's barrier code to place long-distance calls?

During the course of this office's review several statutes were examined for applicability. Specifically, the provisions of Minn. Stat. §609.893 - telecommunications fraud; §609.52, subdivisions 2(13) - theft of services; §609.52, subdivision 2(14) - theft of telecommunications services; §609.42 - misconduct of public officer or employee; and §609.455 - permitting false claims against the government.

The investigation focused on the use of Senator Solon's office telephones and barrier access code from July 1992 to March 31, 1993. Interviews were done of all the principals of the investigation and additionally, Senator Solon's staff, the Senate Sergeant at Arms, Secretary to the Senate, the Director of Administrative Services and International Systems for the Senate and the Director's administrative secretary were interviewed. Voluminous documentary evidence was obtained and reviewed including Senator Solon's campaign contribution filings, Charles Westin's lobbyist registrations, NEMDA's membership list, banking records from several of the principals in the investigation, long-distance telephone records of Senator Solon's office telephones and records of calls made with Senator Solon's barrier access code. In addition, the investigation included an examination of senate memoranda and other documentation related to the use of senate telephones and barrier access codes for the past few years.

During the investigation difficulty was encountered in tracking calls placed using the remote barrier access code. With each call made using the barrier access code two different sets of documents were generated by the two telephone companies involved in the Senate telephone system. In order to match up the originating telephone number with the termination number the date and time of the connection has to be matched. Due to the large volume of calls made nearly simultaneously, and the fact that much of the billing detail involves the listing of seven different numbers notated by "Senate," the task in matching up calls from the two sets of documents is exceedingly difficult, if not impossible. It is estimated that hundreds of hours would be necessary to track many of these calls and may still result in not finding the correct destination number. In addition, even if the originating telephone number and the destination were known, trying to determine who made the call and whether the call made many months, if not years earlier, was made for legitimate legislative purposes would be extremely difficult.

Calls placed from Senator Solon's State office telephones, where the use of the barrier access code is not necessary, were easier to track. Both the

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originating number and terminating number were included on the same telephone bill.

SENATOR SOLON

The investigation determined that Senator Sam Solon provided his long-distance barrier access code to several individuals (Charles Westin, Ronald Limoseth, Tom Bergh and to Solon's son). There is no conclusive evidence, however, that Senator Sam Solon did so with the intent to facilitate the evasion of a lawful charge or to obtain telecommunications services for his or someone's else's purpose by any fraudulent means as required to prove a violation of Minn. Stat. §609.893. Senator Solon admitted that he provided the access code to these individuals to be used to contact him if they needed to for "senate business." He felt that "senate business" included anything that had to do with economic development. Therefore, he felt justified under the general rubric of "economic development" to give out his access code to persons he dealt with that could promote business in the northeast region of Minnesota. Initially, Senator Solon indicated he would not have allowed the use of his office telephones or access code had he known about the use of the telephone system by Don Johnson. Later, during a second interview Senator Solon stated that the use of senate telephones for economic development in Minnesota would not be inappropriate as it may have resulted in job creation in Minnesota.

Both theft provisions of Minn. Stat. §609.52, theft of services and theft of telecommunications services, require intent to obtain the services of another without making the agreed or reasonably expected payment of money or other consideration or the intent to deprive another of a lawful charge for telecommunications service. In this case, there is insufficient evidence to demonstrate that Senator Solon intended an unlawful use of his barrier access code by the individuals he gave it to on one or more occasions.

Minn. Stat. §609.893; telecommunications and information services fraud requires that a person by any fraudulent means obtains telecommunications services for the person's own use. The investigation uncovered no evidence that Senator Solon made any telephone calls that did not deal with legislative business. Subdivision 2 of §609.893 makes it a felony to provide another a telecommunication device or information in order to facilitate telecommunications fraud. In this case giving other persons a long-distance access code or allowing someone to use an office telephone to commit telecommunications fraud may constitute an criminal offense. However, in order to prove all the elements of the crime of telecommunication fraud or facilitation of telecommunications fraud the State would need to prove beyond a reasonable doubt that Senator Solon knowingly and with intent provided others with his access code or allowed others to use his office telephone in order to evade a lawful charge. Senator Solon, as well as the most of the other individuals interviewed in the course of this investigation, were of the opinion that the State paid a flat rate fee for long-distance charges and that there was no individual charge for each call.

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While this was not the case, the general belief existed that as long as calls were for legitimate senate or legislative business there would be no additional cost to the State for long-distance calls utilizing the Senate WATS line or barrier access code.

Consequently, there is no evidence that Senator Solon gave his access card to various individuals intending that the access code would be used for an illegitimate purpose; for non-legislative business.

RONALD AND CONSTANCE LIMOSETH

Ronald Limoseth, a retired Duluth firefighter, who has been an aide involved in campaigns and a constituent adviser for Senator Solon for more than twenty years, admitted that he was given Senator Solon's barrier access code initially almost ten years ago and had been given new codes on three occasions. He explained that Senator Solon told him that the access code was to be used for legislative business. Limoseth would pick up Solon's mail and messages related to legislative business or constituent requests while Senator Solon was in St. Paul and would use the access code to relay messages to Senator Solon.

The investigation discovered that 426 calls totalling a charge of \$628.05 were made from Limoseth's Pompano Beach, Florida home using Solon's barrier access code between November 1992 and March 30, 1993. Ronald Limoseth stated he may have used the access code on a limited basis between mid-November 1992 and April 1993. He thought most of the calls concerned legislative business involving the Duluth Fire Department retirement fund.

Constance Limoseth admitted that she used Solon's barrier access code to make a large number of calls to close family and friends from their Florida residence. She also admitted using the access code to make calls during the winter of 1991-1992. She explained that she believed the access code was Senator Solon's personal number for which he paid a flat fee. She added that if she had known the code was issued to Senator Solon by the State of Minnesota she would not have used it. She stated that neither her husband or Senator Solon was aware that she was using the access code.

Even though the use of the access code by Constance Limoseth was admittedly unauthorized, in order to constitute a crime in Minnesota a person must commit the offense in whole or in part within the state. Consequently, Minnesota would not have jurisdiction over calls originating and terminating outside the state.

TOM BERGH

Tom Bergh, Executive Director of NEMDA, a non-profit organization involved in promoting economic development in the northeast Minnesota region, took over his position in December 1987 from Chuck Westin. He admitted that Senator Solon gave him a long-distance access code in May 1992 and another access code in January 1993. Senator Solon explained to him that the access code could be used

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to call Solon at the capitol for legislative matters. Bergh stated that all calls he made from NEMDA using the access code were related to economic development or legislative matters. Between August 1992 and March 29, 1993, 1149 calls totalling \$456.15 were made using Senator Solon's access code.

There is insufficient evidence to show that Bergh's use of the access code was not authorized by Senator Solon and that any of the calls made from NEMDA offices were not made or related to economic development or legislative business. In other words, there is no evidence to suggest that Bergh's use of the access code was done with criminal intent. Absent either a specific intent to commit a crime or the general requirement under the law that an individual possess mens rea; a guilty or criminal intent, no crime has been committed.

DON JOHNSON

Don Johnson has worked for the St. Paul Urban League since September 1991 and has been in the process of setting up a business importing products from South Africa and the Virgin Islands. Johnson explained that he met Chuck Westin at a political fundraiser in mid-1991 and they discussed Johnson's ideas relative to an import/export business. Johnson and Westin met on occasion and Westin agreed to help Johnson get the business off the ground. Westin gave Johnson a car and helped him in a number of different ways including providing Johnson office space, a \$100 per month stipend to cover expenses and a \$15,000 interest-free loan to be used for other start-up expenses.

Johnson stated that in approximately June 1992 Westin introduced Johnson to Senator Solon's staff by taking him to the capitol to use the senator's telephone to make long-distance calls to South Africa as part of setting up the business. Westin told Senator Solon's staff that Johnson would be using the telephone as part of an economic development project. Johnson believes Westin accompanied him to Solon's office on two occasions. Johnson admitted that between June 1992 and March 19, 1993 he made numerous calls from Senator Solon's office and on one occasion used another office's phone when he could not get into Solon's office. One-hundred twenty-two calls totalling \$837.39 were made from Senator Solon's office to South Africa and the Virgin Islands. Three additional calls were made from another office at the capitol on July 31, 1992 to South Africa totalling \$9.18.

While it could be argued that Chuck Westin did not have authority to give Johnson permission to use Solon's telephone or barrier access card, it is necessary to look at what Don Johnson was told and the circumstances surrounding the authorization given by Westin. From Don Johnson's standpoint, he was authorized to use Senator Solon's office telephone by Chuck Westin. It is not unreasonable for Johnson to conclude that Westin had the requisite authority to give him permission to use Senator Solon's access code and office telephone especially since Johnson was introduced to Senator Solon's staff and Westin told them that he would be using the Senator's telephone for economic development. As far as Johnson was concerned Westin had "apparent" authority from Solon to

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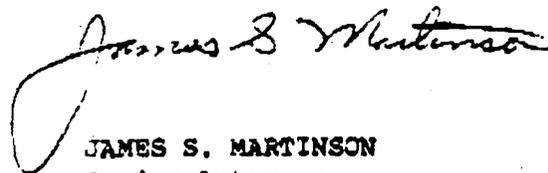
authorize the calls made by Johnson. Therefore, Johnson did not possess the requisite criminal state of mind to commit a criminal offense.

CONCLUSION

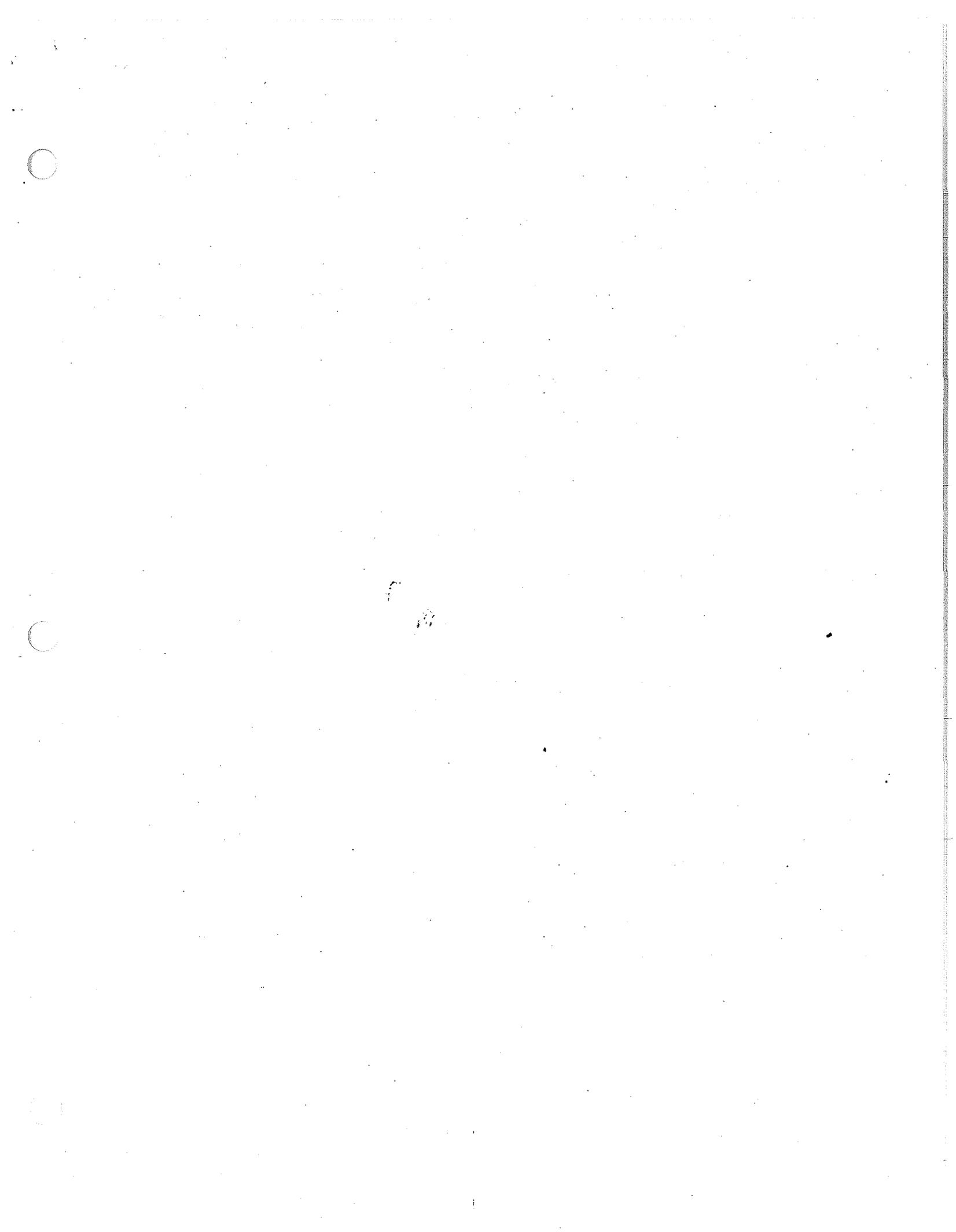
For the above reasons, this office is not filing criminal charges against Senator Solon, Ronald and Constance Limoseth, Tom Bergh and Donald Johnson. The investigation into this matter, however, raises a larger concern with implications beyond the coverage of criminal statutes. Specifically, the relationship between Senator Solon, Chuck Westin, Don Johnson, Ronald Limoseth and NEMDA demonstrated in this case raises ethical issues that may be more properly the subject of inquiry by the Ethics Subcommittee of the Minnesota State Senate. Additionally, it appears necessary that the legislative body address the definitions of "legislative business" and scrutinize the rules or policies regarding the use of State telephones. Consequently, all files and investigative reports related to this matter will be turned over to Senate Counsel.

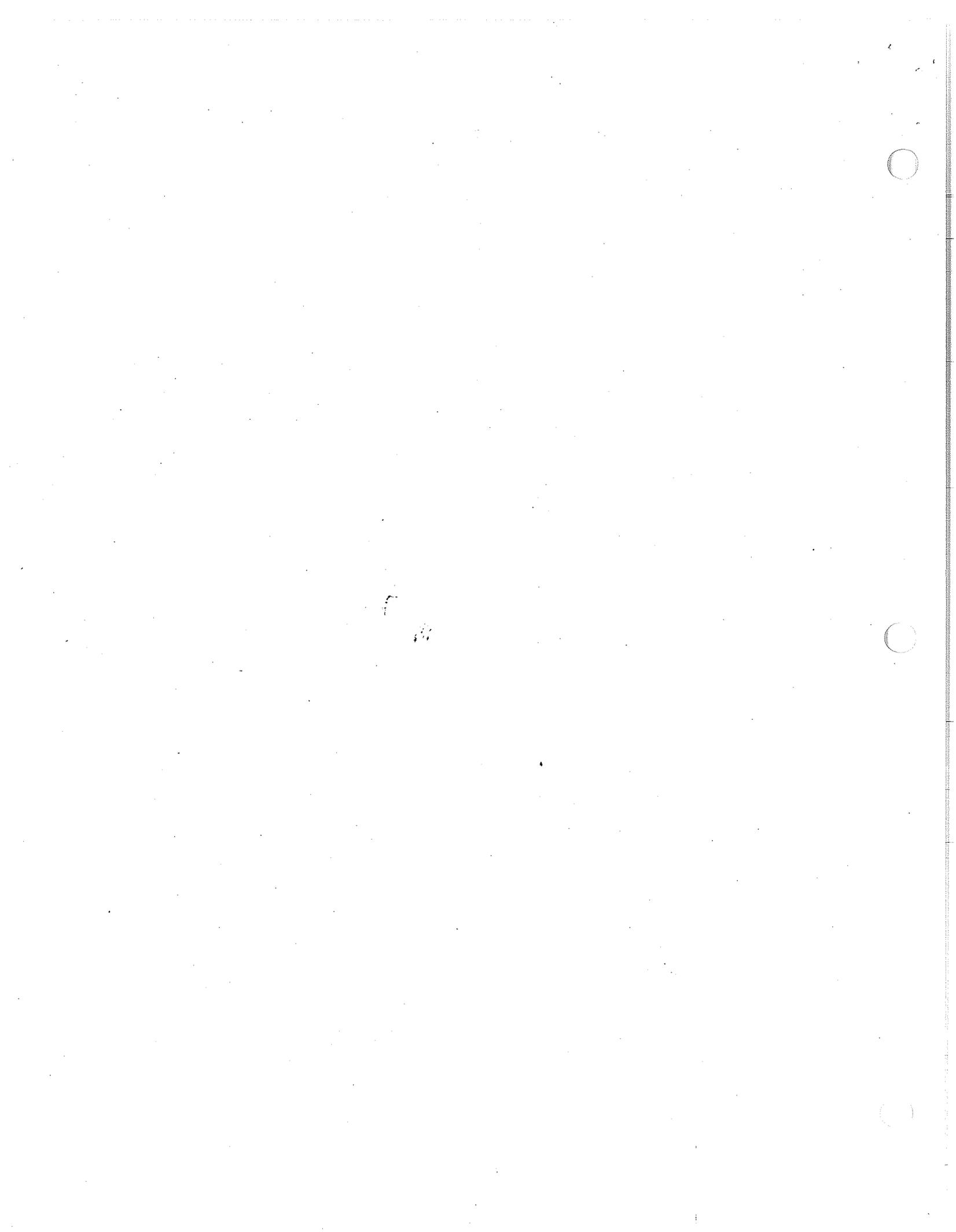
Sincerely,

RAYMOND F. SCHMITZ
Olmsted County Attorney



JAMES S. MARTINSON
Senior Attorney
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STATE OF MINNESOTA
Office of the Attorney General

TO : **RAYMOND F. SCHMITZ**
Olmsted County Attorney
Olmsted County Courthouse
Rochester, MN 55902

DATE : October 8, 1993

FROM : **RICHARD E. MUNSON**
Investigator
Criminal Division

PHONE : 296-8430
(Voice)
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(Voice)
297-7206 (TDD)

SUBJECT : **Investigation of the Unauthorized Use of Senator Sam Solon's Office Phone
and State Telephone Barrier Code**
Case File No. 35.122X.0262

I. IDENTIFICATION OF POTENTIAL DEFENDANTS

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II. BACKGROUND

In March, 1993, the Minnesota House of Representatives asked the Attorney General's Office, Ramsey County Attorney and United States Attorney's Office to investigate alleged abuse of the State phone system by individual legislator(s) (specifically, State Representative Alan Welle). The matter, which has become known as "**PhoneGate**," eventually expanded to include the entire Legislature, House and Senate. Ramsey County Attorney Tom Foley announced that his office would be the lead criminal investigating agency with respect to the PhoneGate matter. The Attorney General's Office agreed to cooperate with Ramsey County Attorney Foley's investigation. Our office also proceeded to investigate the Welle matter to determine what, if any, recourse was available to recover funds.

On or about April 15, 1993, Ramsey County Attorney Foley referred part of the PhoneGate investigation to the Attorney General's Office for investigation and prosecution due to a personal conflict of interest. Specifically, Foley referred allegations of unauthorized use of Senator Sam Solon's office phone and barrier code (also referred to as access code). In a letter dated April 19, 1993 from William Klumpp, Assistant Attorney General, to Foley, our office formally accepted the Solon matter.

Investigators Munson and Sullivan were assigned to investigate the matter. Munson's and Sullivan's investigation was focused on preparing the case by the end of June for review by a Ramsey County grand jury. In mid-June an employee of the Attorney General's Office, Jenifer Pruden, came forward with information that she had used Senator Solon's office phone to place long distance phone calls. At that time it was decided to refer the Solon prosecution to another jurisdiction. The matter was referred to Ray Schmitz, Olmsted County Attorney, for prosecution and/or investigation. On June 23, 1993, Deputy Attorney General Tom Pursell mailed copies of the investigative files to Olmsted County Attorney Schmitz with a cover letter indicating that Munson and Sullivan would be at his disposal to investigate the Solon matter, with the exception of Jenifer Pruden. Due to Mr. Schmitz' prosecution of another matter, we did not correspond directly with Mr. Schmitz until August, 1993. At that time, we were advised that Mr. Schmitz expected our office to complete the investigation.

III. INVESTIGATIVE ISSUES

- A. Did State Senator Sam Solon violate criminal laws when he provided his State-issued long distance barrier code to Charles Westin, Ron Limoseth, Senator Solon's son, and/or Tom Bergh, Executive Director of Northeast Minnesota Development Association (NEMDA)?
- B. Did Charles Westin violate criminal laws when he provided use of Senator Solon's office phones and barrier code to Don Johnson, a minority businessman for use in getting his business started?
- C. Did Westin violate criminal laws when he used Senator Solon's barrier code to place long distance calls to NEMDA, a lobbyist client?
- D. Did Don Johnson violate criminal laws when he used Senator Solon's barrier code and Senate office phone to place long distance calls?
- E. Did Ron Limoseth violate criminal laws when he used Senator Solon's barrier code?
- F. Did Constance Limoseth violate criminal laws when she used Senator Solon's barrier code to place admitted personal long distance calls from Pombano Beach, Florida?
- G. Did Tom Bergh, Executive Director of Northeast Minnesota Development Association ("NEMDA"), violate criminal laws when he used Senator Solon's barrier code to place long distance calls?

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H. CHRONOLOGY OF INVESTIGATION

DATE

4/16/93, 6/9/93

Interviewed Charles Westin, lobbyist/lifelong friend of Senator Solon. (See attached exhibits A & B for detailed summary of interviews.)

BRIEF SYNOPSIS: Westin, a lifelong friend of Senator Solon said that Solon voluntarily gave his barrier/access code to Westin on two occasions. The first time was in the summer of 1992, the second time was in January, 1993. Westin said it was his understanding that the card was to be used to call Senator Solon for State-related business. Westin believed it was okay to use the code because he thought the State had "free time."

Westin used Solon's access code to call Solon, NEMDA and his daughters, who live in Duluth.

Westin gave Solon's access code to Don Johnson, a minority businessman, in an effort to assist Johnson in starting a business. Johnson's business required contacting sources in South Africa, Virgin Islands and other U.S. cities by phone. According to Westin, because Johnson did not have the financial resources to make the necessary long distance phone calls, he advised Johnson he could use Senator Solon's office phone and WATS line at the Capitol in addition to Solon's access code. Westin said he and Johnson had an understanding that Johnson was responsible to pay for any calls exceeding a block of prepaid time.

Westin loaned Johnson \$15,000 interest-free and gave Johnson title to a car. Westin maintains that he does not have an ownership interest or any agreements whereby he is to be compensated by Johnson.

DATE

4/19/93, 9/7/93

Interviewed Sven Lindquist, Senate Sergeant at Arms, and Pat Flahaven, Secretary of Senate. (See attached exhibit C for detailed summary of interviews.)

BRIEF SYNOPSIS: Lindquist and Flahaven uncovered potential misuse of Senator Solon's barrier/access code and office phone after the House problems surfaced in mid-March. At Flahaven's direction, Lindquist and his staff reviewed call detail summaries to identify unauthorized use of the Senate barrier/access code. Lindquist and staff identified calls to the Virgin Islands, from Don Johnson's residence, from NEMDA and from Pompano Beach, Florida. Lindquist also reviewed call detail from Senator Solon's office phone and documented calls made to South Africa.

Lindquist provided copies of original call details to Munson and Sullivan which were used to prepare summaries which are detailed under Item "M."

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Lindquist said Westin came into his office after the House allegation surfaced and confirmed use of Senator Solon's office phone and barrier/access code. Westin told Lindquist the calls were his responsibility and no fault of Solon's.

Solon met twice with Lindquist, Flahaven and Peter Watson (Senate Counsel). Solon said he was unaware of the calls, but wanted to pay for any questionable calls, which he did (\$2,618.56) (See attached exhibit 00).

DATE

4/19/93

Interviewed Donald Johnson, St. Paul minority businessman, who has been befriended by Westin. (See attached exhibit D for detailed summary of interview. Attached as exhibit E is a transcript of Johnson's statement.)

BRIEF SYNOPSIS: Johnson, who met Westin approximately two years ago, received a \$15,000 interest-free loan, car and office space (Westin's office) from Chuck Westin. Johnson said Westin also provided him with use of Senator Solon's office phone to call South Africa and barrier/access code to call the Virgin Islands and other U.S. cities to help get his business started. Johnson said he understood there was a "block of time" available for economic development and if the block of time was exceeded, Johnson would be responsible for reimbursement.

Johnson said that Westin was doing this without consideration of compensation to Westin.

DATE

4/20/93

Interviewed Bonnie Featherstone, Senator Solon's secretary. (See exhibit F for detailed summary of interview.)

BRIEF SYNOPSIS: Featherstone has been Senator Solon's secretary since 1980 and offices outside of Senator Solon's office in Room 303 Capitol. Featherstone was introduced to Donald Johnson in June or July, 1992 by Chuck Westin. Westin told Featherstone that Johnson would be using Senator Solon's phone; but did not provide any specifics. Featherstone said Johnson used Solon's phone quite often, approximately once a week. Featherstone said Johnson made his calls early in the morning. On a number of occasions Johnson was already in Solon's office when she arrived for work.

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Featherstone asked Johnson on one occasion what he was doing. Johnson replied that he was trying to market a product throughout the United States. Featherstone does not believe that Senator Solon knew Johnson.

DATE

4/20/93

Interviewed Ardith Vos Peterson, Senate staffer for 18 years and secretary to Senator James Metzen. Ms. Von Peterson is officed in a cubicle next to Bonnie Featherstone. (See exhibit G for detailed summary of interview.)

BRIEF SYNOPSIS: Von Peterson has been a secretary for Senator James Metzen since 1991 and since that time has officed in a cubicle next to Bonnie Featherstone.

Vos Peterson recalls Johnson first using Solon's office phone approximately one year ago (May, '92). Johnson told Von Peterson that he worked with Chuck Westin. Von Peterson estimates that Johnson used Solon's office phone once a week or once every other week. Von Peterson said she never observed Solon and Johnson together.

DATE

4/21/93

Interviewed Kathy Foley. (See exhibit H for detailed summary of interview.)

BRIEF SYNOPSIS: Foley met Don Johnson through Chuck Westin approximately one year ago (May, '92). Foley and Westin were dating at the time. Westin said he was helping Johnson get a business started involving a product from South Africa.

Foley was never told about Johnson using Senator Solon's office phone or barrier/access code. Foley also said she had no knowledge Johnson had used her phone to call South Africa.

Foley said it had been her understanding that State long distance calls were paid for on a flat fee basis.

DATE

5/13/93, 6/11/93

Interviewed Tom Bergh, Executive Director for "NEMDA." (See exhibit I for detailed summary of interview.)

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BRIEF SYNOPSIS: Bergh is Executive Director for NEMDA, a position he inherited from Chuck Westin in late 1987 or early 1988. NEMDA is a nonprofit organization involved in promoting economic development for the northeast Minnesota region.

Bergh, who has known Senator Solon since 1984, received from Senator Solon his barrier/access code approximately one year ago (May, '92). Bergh said he received a second code in January, 1993. Bergh assumed the card was for business purposes only and said he used the card for economic development/legislative issues only. Bergh said he did not use the access code to make personal calls.

Bergh said it was his understanding that the State purchased a block of time for which a flat fee was paid, with no limitation on the number of calls. Bergh based his understanding of the State phone system on general conversation at the Capitol and possibly conversations with Senator Solon.

During the 5/13/93 interview, Bergh said he had only one conversation with Westin regarding Solon's access code, which was after the House matter broke in a March Star Tribune article. However, during our 6/11/93 meeting, Bergh said shortly after our conversation on 5/13/93, he recalled being present for a conversation between Solon and Westin during which Don Johnson's use of Senator Solon's barrier/access code was discussed. Bergh said the conversation was at the Jolly Fisher Restaurant in Duluth last May or June. Bergh recalled Westin asking Solon if it was okay for Johnson to use Senator Solon's phone. Bergh recalls Solon respond by nodding yes.

DATE

5/14/93, 5/27/93, 6/11/93

Interviewed Ronald Limoseth, Senator Sam Solon's campaign manager. (See exhibit J for detailed summary of interviews.)

5/27/93, 6/11/93

Interviewed Constance Limoseth, wife of Ronald Limoseth. (See exhibit K for detailed summary of interview.)

BRIEF SYNOPSIS: Ron Limoseth, who has been Senator Solon's campaign manager for 20 years, said he has had use of Senator Solon's access code for approximately 10 years. Limoseth said he recalls receiving at least three different code numbers. Limoseth was given the card by Solon with the understanding that it was to be used for legislative business, including any calls Limoseth would make from his winter home in Pompano Beach, Florida.

Limoseth said he used Senator Solon's access code from Florida to work on legislation involving the Duluth Fire Department. Limoseth was unaware of the extent to which calls were made from his Pompano Beach, Florida residence until Munson showed him a summary of calls. Limoseth reasoned that his wife must have used the access number to make calls to family on the East and West Coast.

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Mrs. Limoseth confirmed that she made numerous calls to Maine and California. Mrs. Limoseth said she made the calls to keep in touch with her family during serious illnesses of her father and sister. Mrs. Limoseth provided several phone numbers she called, which are included in the Pompano Beach call detail summary. Mrs. Limoseth denied knowing that the number she was using was Senator Solon's. She indicated that she would not have placed the calls using his number.

DATE

4/21/93, 10/5/93

Interviewed Senator Sam Solon. (See attached exhibit L for detailed summary of 4/21/93 interview and exhibit M for transcript of Solon's October statement.)

BRIEF SYNOPSIS: Solon, who has been an elected member of the Legislature since 1971, said he was never told anything in particular about the telephone system. Solon further said that he recalled receiving no written instructions regarding the proper use of the system.

Solon's understanding of the phone system is based on "common sense" in that he and many others in the Legislature and Senate define State business in broad terms. Solon feels that State business includes dealing with constituents, creating jobs, economic development and anything else necessary in conducting the affairs of the State.

Solon said it was his understanding that the State had a WATS system which involved a fixed charge with no additional costs on any given call until a certain level was reached. Solon did not recall discussing the WATS system with anyone in particular but believed it was understood by most in the Legislature to work in that manner.

Solon said that he does not recall reviewing memos from Pat Flahaven, Secretary of the Senate, regarding use of the State phones nor did he read instructions regarding use of State phones in the State telephone directories.

Solon said he has lived with Chuck Westin for several years during the legislative session and that is a primary reason he gave Westin his barrier/access code. Solon said that because of his position in the Senate, people were constantly trying to "track me down" and since everyone knew he lived with Westin, people would call for him at Westin's residence. Westin would then use the access card to call Senator Solon in Duluth or elsewhere.

Solon does not recall Westin ever telling him that he (Westin) gave the access code to anyone else. Solon said he does not recall Westin ever mentioning Don Johnson to him until problems relating to his (Solon's) phone surfaced. Solon said that had he been given the facts surrounding Don Johnson's use of his phone prior to its use, he would never have given permission. Solon said he gave his access code to Ron Limoseth and his son in Duluth. Solon said the code was given to Limoseth and his son on the basis that it was proper to use the code

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in order to get ahold of him for legitimate constituency work. Solon said he does not know whether or not his son ever used the access code to call him.

DATE

10/4/93

Interviewed James Greenwalt, Director of Administrative Services and International Systems for the Senate. (See exhibit N for detailed summary.)

BRIEF SYNOPSIS: Greenwalt reports to Patrick Flahaven, Secretary of the Senate. Greenwalt's duties included supervising Marritta Gould, Secretary for Administrative Services. Gould has reviewed monthly Senate phone bills for the past four years. If she had any questions regarding the bills, she would bring them to Greenwalt. Greenwalt said he has not reviewed the records for at least five years.

Greenwalt said that Gould now works with Sven Lindquist regarding Senate phone bills and has since early 1993. Greenwalt said he was unaware of any Senate phone abuse until the Solon matter came about, and they did not question senators' phone bills.

DATE

10/4/93

Interviewed Marritta Gould, Administrative Secretary to James Greenwalt. (See exhibit O for detailed summary.)

BRIEF SYNOPSIS: Gould has since 1989 reviewed Senate phone bills. Gould said she reviewed the phone bills for the "bottom line," and did not look at individual senator's bills because they were private and not meant for publication beyond the Legislature.

Gould said she never uncovered any abuse of Senate phones.

I. REVIEW OF SENATOR SOLON'S CAMPAIGN CONTRIBUTION FILINGS WITH THE ETHICAL PRACTICES BOARD, LOBBYIST REGISTRATIONS FOR CHARLES WESTIN AND NEMDA MEMBERSHIP LIST

Westin's inactive and active lobbyist registrations (exhibit P) from 12/11/90 through 5/11/93 and NEMDA member list (exhibit Q) were reviewed and compared to the list of campaign contributions (exhibit R) as filed by Senator Solon with the Ethical Practices Board. Our review indicated no evidence that any campaign contributors received benefits of use of Senator Solon's office phone or barrier code. The only tie between Westin's clients and Solon's campaign contributors are:

- (1) Lower Sioux Political Education Fund which contributed \$1,500 to Solon on June 11, 1992. Westin was registered as a lobbyist for "Lower Sioux Community."

- (2) The Minnesota Licensed Beverage Association PAC contributed \$200 to Solon on June 11, 1992. Westin was registered as a lobbyist for "Minnesota Muni-Bvg. Assn."

J. GENERAL OPERATION OF STATE TELEPHONE SYSTEM

The following is taken from pages 22 and 23 of the Attorney General's report on the Representative Welle matter. It should be noted that the person who provided details regarding use of the State phone system is Bonnie Plummer, Network Manager for the Department of Administration, Telecommunications Division.

Under Minn. Stat. § 16B.46 the Department of Administration purchases telecommunications services for State agencies, including the Legislature. 1-800 and outgoing intrastate and interstate long distance services are purchased from Teleconnect (a wholly owned subsidiary of MCI). Some private intrastate long distance lines are purchased from AT&T. Local service, certain equipment and billing services are purchased from US WEST. Each of these companies charged different rates for the different services. The rates charged by US WEST and AT&T were "flat" - call volume or distance did not make a difference in what the State paid for the service. All of Teleconnect's charges varied with minutes of use, and those rates were different depending on whether the call was in Minnesota or out of state.

Administration's Telecommunications Division order 1-800 lines for all State agencies requesting 1-800 service. There are a total of 196 lines available for the state. The 1-800 number, including seven lines ordered by the Legislature, was one of the first 1-800 systems ordered. It was to be used to provide members of the Legislature with "remote access" to the state's telephone system. The Legislature was assigned seven "ports" (lines) to handle calls over its 1-800 number. If those ports were all in use, the calls rolled over to a spare group of 50 ports assigned to the Department of Administration.

The House and Senate used the same 1-800 number to reach the State telephone system. However, the House had authorization codes for each member, while in the Senate everyone used and continues to use the same authorization code. Individual access codes allowed the House to get call detail for each member, a feature recommended by Administration at the time the system was adopted in order to promote greater accountability. With respect to the Senate, because the access code is the same for every member, it is not possible to tell from telephone records which member places which long distance call through the remote access 1-800 number.

K. FLAT RATE SYSTEM/USAGE BASED SYSTEM

The belief that calls made using the state's long-distance lines were "free" has been incorrect since the early 1980s.¹

1. The information regarding a flat-rate system/usage based system is quoted directly from a memo to Munson from Mary Jo Murray, Assistant Attorney General. Ms. Murray's client is the Department of Administration.

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Agencies have been billed on a usage-sensitive basis by the Department of Administration since at least the early 1970s. even though at that time the State paid the telephone companies on a flat-rate basis. The State wanted to bill agencies for fairly, so agencies were billed based on how much long-distance service each agency used. This was accomplished by requiring the caller to first dial 121 for long distance calls within Minnesota or 172 for interstate calls.

However, not all long distance calls showed up on a bill to the agency. If a person made a call using the Northstar Network from agency to agency, or from an agency outside of the metro calling area into the metro calling area, the call would not show up on the agency's bill.

By 1981, the State purchased interstate long-distance service on a usage-sensitive basis.

In 1984, the remote access system was created for the Legislature, allowing access to the system by dialing 1-800-xxx-xxxx, the number, and a three digit barrier code. The 1-800 portion of the call was billed to the State on a per-minute basis. If the outgoing portion of the call was to the metro calling area or within Minnesota, the State was charged a flat rate. If it was interstate, it was charged to the State on a usage-sensitive basis.

In 1986, it was decided that a system had to be put in place which would bill all long-distance telephone calls to agencies. This decision was initiated at the request of the Senate Finance Committee. That system was to be in place by October, 1986. The Department of Administration put on a huge information campaign because now, instead of dialing 121 to make calls within Minnesota and 172 to make interstate calls, all that needed to be done was to dial '8.' It was made very clear at the time that calls were billed on a usage-sensitive basis.

As of February, 1988, any long-distance calls made within Minnesota were billed to the State on a usage-sensitive basis, except for a few lines which the State purchased on a flat-rate basis from AT&T which run directly to State agencies.

NOTE: One important difference between the House and Senate phone systems during the relevant time period is that the House issued an access or authorization code to each member, while the Senate issued one code to all Senate members.

L. SENATE POLICY REGARDING USE OF BARRIER CODES

Pat Flahaven, Secretary of Senate, provided copies of memoranda he authored regarding use of State phones which clearly state that long distance service is for state/legislative business only. The memoranda are attached to exhibit C, which is an investigative report on our interview of Flahaven and Sven Lindquist.

The state-issued telephone directories which are provided to all State employees, including legislators and staff, have stated for a number of years that use of State long distance lines are for official State business only. (See exhibit S for example.)

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Flahaven said it was considered appropriate for legislators to call their district office, which in the case of outstate legislators would in most cases be their residence. It was also considered appropriate for outstate senators to use their long distance service to call family members.

M. SUMMARY OF LONG DISTANCE TOLLS VIA USE OF SENATOR SOLON'S BARRIER CODE/ACCESS CODE

<u>ORIGINATION</u>	<u>NUMBER OF CALLS</u>	<u>DOLLAR AMOUNT</u>	<u>EXHIBIT</u>
Westin's office (612)644-0717	534	\$272.73	T
Don Johnson's residence (612)222-3038	390	\$734.25	U
Limoseth residence (Pompano Beach, FL) (305)781-5379	426	\$628.05	V
NEMDA (218)722-1484 (218)722-1485	1,149	\$456.15	W
Westin residence (612)730-7685	121	\$49.73	X

N. SUMMARY OF SOUTH AFRICA CALLS FROM SENATOR SOLON'S OFFICE PHONE AND KATHY FOLEY'S OFFICE PHONE

<u>ORIGINATION</u>	<u>NUMBER OF CALLS</u>	<u>DOLLAR AMOUNT</u>	<u>EXHIBIT</u>
Solon office phone (612)296-4158 (612)296-4188 (612)296-5974	121	\$835.17	Y
Foley office phone (612)296-4183	3	\$9.18	Z

Total was 429

Total was 3,006.97

Exhibits include summary of calls made and billing data from which summaries were prepared.

O. PROCEDURE USED TO IDENTIFY UNAUTHORIZED CALLS USING

SENATOR SOLON'S ACCESS CARD AND OFFICE PHONE

A. Tracking Solon Office Calls Between 8/1/92 and 3/30/93

All calls from Senator Solon's office phone are detailed in a call detail summary sheet labelled as Senate "Commerce Committee" which lists all intrastate and interstate calls placed from Senator Solon's office phone numbers. The call detail includes date, time, length of time, and destination of the calls. (See exhibit AA for example of call detail.)

B. Tracking Calls Using Senator Solon's Barrier code Between 8/1/92 and 3/30/93

To place a long distance call using Senator Solon's barrier code, the caller must do the following:

1. Dial 1-800-657-3597, plus a three-digit barrier code. That will reach one of seven ports (remote access units "RAU") assigned to the Legislature.
2. After accessing the remote access unit, the caller then dials 8-XXX-XXX-XXXX.

It is very difficult to track calls placed using the remote barrier code. The 1-800 access line was provided by Telecomm, USA. That line terminated in the US WEST switch at the RAU. US WEST processed the call, and when the Senate's three-digit barrier code was used, assigned the call a 296- or 297- preface for billing purposes, initiated call billing time and sent the call to its destination point on a US WEST local line, an AT&T line or a Telecom USA line. US WEST's local calls and AT&T calls within Minnesota (limited to a few direct lines to State agencies) are billed to the State at a flat rate. The US WEST switch could not identify the origination point of the call into the RAU. Consequently, two sets of documents must be used to determine call origination and termination - originating call detail provided by Telecomm USA (example attached as exhibit BB) and terminating call detail produced as billing detail by US WEST (example attached as exhibit CC).

For calls placed from a State phone on the US WEST Centrex system (with a 296- or 297- prefix such as Senator Solon's office phone), tracking is much simpler. A call dialed from a desk phone with a 296- or 297- prefix goes directly into the US WEST switch and the US WEST billing system tracks both call origination and termination.

In order to track calls placed using the Senate barrier code from the origination point to the remote access unit to the destination, two methods can be used, one of which is complicated and will not produce complete origination and termination call detail.

1. If you have the origination number (phone number from which call is placed), you can locate calls placed from the origination number by reviewing invoice summary statements generated by Telecomm USA, a subsidiary of MCI. A Telecomm invoice gives the Senate 800 number used, in this case,

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1-800-657-3597, date and time of call, location of call (city, state), phone number from where the call was placed, and length of call and charges.

If the only information you have is the origination number, and the destination number is unknown, you can attempt to find the destination number by reviewing the long distance call detail summary provided to the Senate by US WEST. To do this, which is difficult at best, you first attempt to match the date, time and length of call placed from the origination point. The time and length of call will not be an exact match between the Telecomm USA call detail and the US WEST billing call detail summary because the US WEST call detail will not account for the amount of time which passed from the time the call was initiated on the 1-800 access line (this is likely to be less than a minute, but in light of the numerous calls made using the Senate's 1-800 number, it makes matching difficult).

The US WEST billing call detail might list up to seven different numbers, each of which have to be reviewed for date, time and length of call. Those seven numbers are: 296-1470, 296-1471, 296-1472, 296-1473, 296-4308, 297-4378 and 297-4475. These numbers will appear on billing statements labelled "Senate" (refer to exhibit DD for example).

The date, time and length of the call must match the Telecomm USA origination number. Attempts to track calls by attempting to match Telecomm USA origination numbers with US WEST billing detail showing termination numbers would take hundreds of hours and may still result in not finding the correct destination number.

2. If you are provided information with the specific origination number and destination number, or the city and state the call was placed to, it is easier to match the phone call. However, you still may have to review up to seven different randomly assigned RAU numbers.

NOTE: In the case of calls placed from Pompano Beach, Florida, we were given several destination numbers by Limoseth and we were able to match a number of calls.

P. ADDITIONAL EXHIBITS

Exhibit EE, memo from Pat Flahaven to Senate Majority Leader Moe and Senate Minority Leader Johnson summarizing phone usage by the Senate.

Exhibit FF, NEMDA membership list.

Exhibit GG, reconciliation of Stoney Point Investment Club bank records which identify \$15,000 loaned to Don Johnson by Charles Westin.

Exhibit HH, NEMDA annual report for year ending 8/31/92.

Exhibit II, correspondence file, including newspaper articles.

Exhibit JJ, sketch of Room 303 Capitol (Solon's office area).

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Exhibit KK, Mary Jo Murray's memo regarding state phone system.

Exhibit LL, grand jury subpoena for Stoney Point Bank records.

Exhibit MM, Westin statement to the press regarding solon's phone.

Exhibit NN, transcript of Solon statement to the Senate.

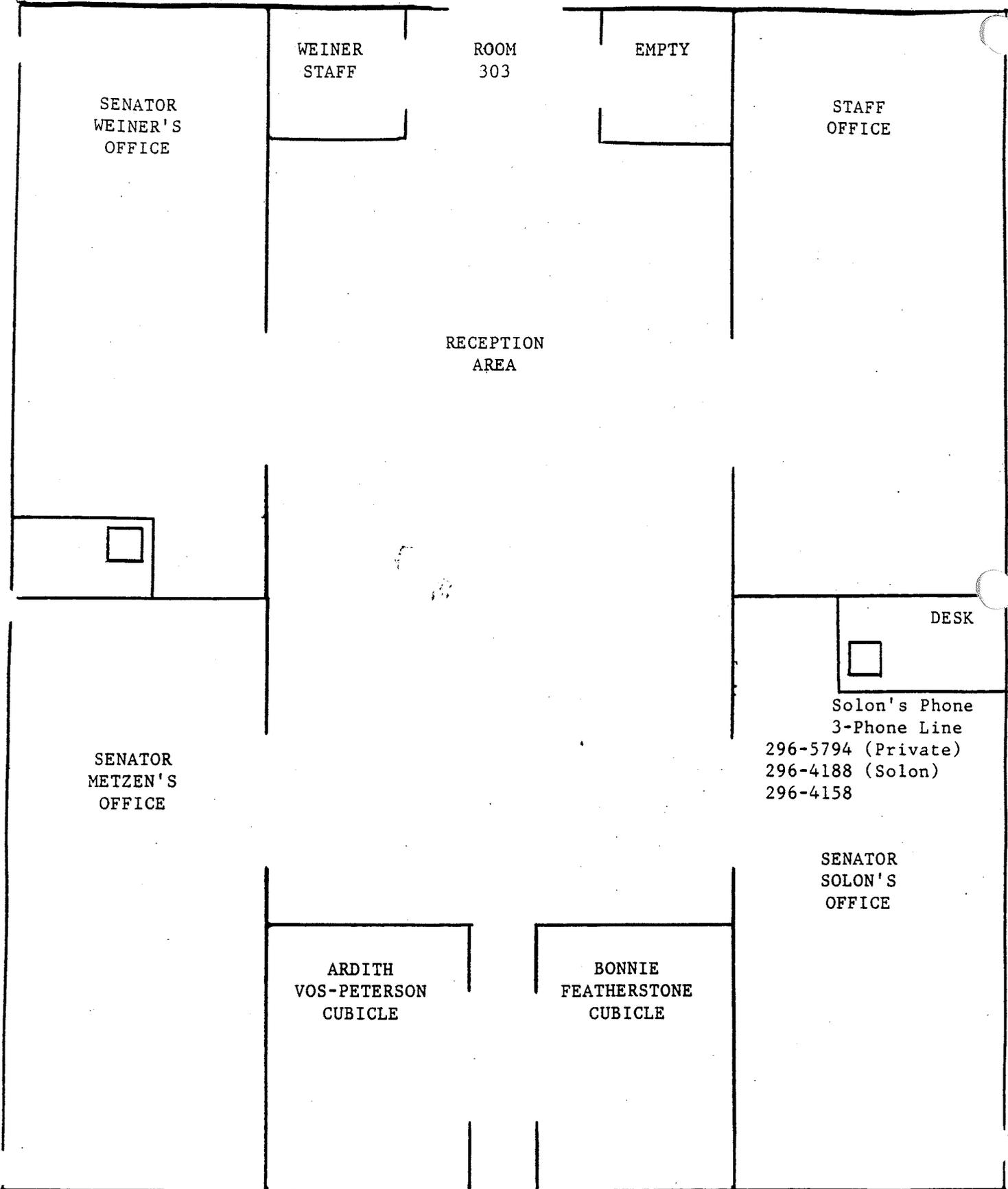
Exhibit OO, letter from Solon to Senator Allan Spear dated 5/12/93.

Exhibit PP, list of miscellaneous calls from Solon's offic.

TFS:REM:cld

Attachments

WALKWAY



WEINER
STAFF

ROOM
303

EMPTY

STAFF
OFFICE

SENATOR
WEINER'S
OFFICE

RECEPTION
AREA

DESK

Solon's Phone
3-Phone Line
296-5794 (Private)
296-4188 (Solon)
296-4158

SENATOR
METZEN'S
OFFICE

SENATOR
SOLON'S
OFFICE

ARDITH
VOS-PETERSON
CUBICLE

BONNIE
FEATHERSTONE
CUBICLE

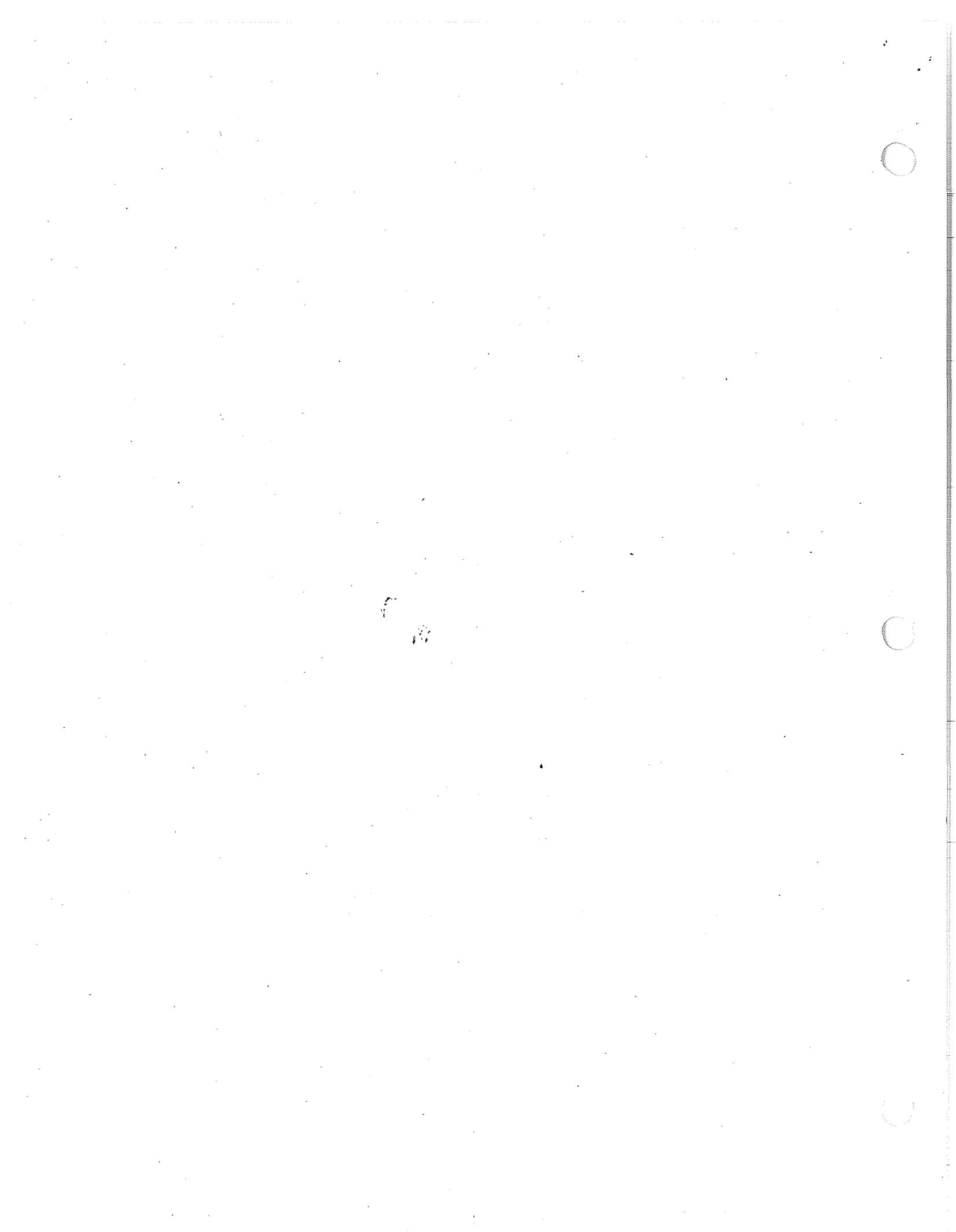
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INVESTIGATIVE REPORT

**OFFICE OF ATTORNEY GENERAL
HUBERT H. HUMPHREY III**

**Criminal Division
Docket Number: 35.122X.0262**

**Law Enforcement Section
1400 NCL Tower
St. Paul, MN 55155**

Date: September 30, 1993

SUBJECT OF INVESTIGATION:	SENATOR SAM SOLON	
VIOLATION ALLEGED:	TELECOMMUNICATION AND INFORMATION SERVICES FRAUD	
REPORTING INVESTIGATOR:	RICHARD E. MUNSON THOMAS F. SULLIVAN	
ASSIGNED ATTORNEY:	RAYMOND F. SCHMITZ Olmsted County Attorney	
NATURE OF REPORT:	INTERVIEW SUMMARY	
SOURCE:	SVEN LINDQUIST Senate Sergeant-At-Arms (612) 296-1119 (w)	PATRICK FLAHAVEN Secretary of the Senate (612) 296-2344 (w)
INFORMATION ACQUIRED BY:	Personal Knowledge	
STATUS:	Active	
DISSEMINATION:	Limited	

REPORT SYNOPSIS

On April 19, 1993 and September 7, 1993, Rick Munson and Tom Sullivan interviewed Patrick Flahaven and Sven Lindquist. On September 7, 1993, Peter Watson, Senate In-House counsel was also present. The areas covered during both interviews were essentially the same; therefore, this report will include testimony given by Flahaven and Lindquist from both interviews.

I. BACKGROUND

SVEN LINDQUIST
Senate Sergeant-at-Arms
G-1 Capitol
(612) 296-1119

Lindquist has been employed by the Senate since 1981 and since January 1986 has been Senate Sergeant-at-Arms. Lindquist reports directly to Pat Flahaven, Secretary of the Senate.

PATRICK FLAHAVEN
Secretary of the Senate
231 Capitol
(612) 296-2344

Flahaven has been Secretary of the Senate since 1973 and functions as Operating Officer for the Senate.

Flahaven described his responsibilities as "two-pronged."

1. One-third is processing legislation, recordkeeping and parliamentary duties.
2. Two-thirds is general internal operations such as budget and personnel.

Flahaven said he reports to the Rules Committee and Chairman of the Rules Committee.

II. DISCOVERY OF PROBLEMS RELATING TO SENATOR SOLON'S OFFICE PHONE

Flahaven said that when the House matter (phonegate) "blew up" in March 1993, the Senate became much more sensitive about their phone situation and Flahaven started looking more closely at their bills. In March, Flahaven noticed some strange calls beginning in December 1992 to the Virgin Islands. Flahaven also noticed calls to Pompano Beach, Florida and South Africa. Flahaven asked Lindquist to review bills for calls to the Virgin Islands, South Africa, Pompano Beach and any other questionable pattern of calls.

Lindquist reviewed the Senate call detail summary to identify calls to the Virgin Islands (see exhibit A for a sample of call detail billing). Lindquist then reviewed the Tel-Comm USA billing summary (see exhibit B for Tele-Comm billing sample) to identify the origination of the phone calls to the Virgin Islands. Lindquist traced origination of the calls to (612) 222-3038. Through the reverse directory Lindquist was able to identify the number 222-3038 listing to a Johnson.

Continuing, Lindquist said that on or about March 31, which was shortly after Lindquist had reviewed billing records relating to the Virgin Islands and South Africa calls, Chuck Westin came into his office to report that he had used Solon's access code. Westin said that Lindquist should look for calls to South Africa placed from Senator Solon's office phone. At that time Westin said he (Westin) had Solon's access number and asked Lindquist to check for calls from Westin's office, Westin's residence and NEMDA in addition to South Africa. Westin told Lindquist that the South Africa calls related to Don Johnson, a black businessman Westin was trying to help get a business started. Westin said he would pay for all calls relating to South Africa, NEMDA, Westin's office and residence.

Lindquist said he met a second time with Westin (first week of April 1993) at which time Lindquist asked if Don Johnson was the same person who called the Virgin Islands. It was at that time Lindquist first mentioned to Westin that a number of calls had been placed from Johnson's residence. Lindquist said that Westin seemed surprised Johnson would have used the access code to call the Virgin Islands, but confirmed that it was the same Johnson. Westin told Lindquist that he wanted to pay for any calls relating to Johnson. Westin told Lindquist he didn't want there to be an appearance of impropriety on Senator Solon.

III. SENATE PHONE SYSTEM: FLAT FEE VS. USAGE FEE

Flahaven said he could not pinpoint when the Senate changed from paying a "flat fee" to a "fee plus a per minute charge," but believed it was sometime around 1984 as a result of deregulation.

Flahaven provided Munson and Sullivan with copies of a 1992 State phone directory and Minnesota Senate Administrative Services Directory. Both state that State phones are for business use only and personal long-distance calls are prohibited.

Flahaven also provided copies of memos directed to senators and staff dated 2-23-89, 2-28-89, 7-23-92 and 4-8-93. Each memo states that State phones are to be used for State business only. Copies of the memos and phone directories are attached to this report.

IV. WHAT IS CONSIDERED STATE BUSINESS

Flahaven was asked to describe how he would define "State business for the Senate" for the purpose of making long-distance calls by use of State phones.

Flahaven said it is difficult to define what are personal calls and what are business calls, particularly for out-state senators. For example, Flahaven said for out-state senators it would be considered appropriate to call their district office, which in most cases is there home. According to Flahaven, most senators do not have a separate district office. Flahaven said he would also consider it to be proper use of State phones for an out-state senator to call home to talk to family members.

Flahaven said it is his belief that constituents use senators' office phones to place calls back to their district. Flahaven said that if a constituent from out-state was at the Capitol, most likely any calls they placed back to their district would be legislative related. Flahaven said use of senate phones by constituents is an assumption on his part based on general conversations around the Capitol.

V. CONVERSATIONS WITH SENATOR SOLON

Flahaven recalls meeting twice with Senator Solon regarding unauthorized use of his phone. The first meeting was on April 9, 1993, the second April 12. Flahaven said Sven Lindquist and Peter Watson were also present on April 9. During the April 9 meeting, Flahaven said Solon was advised of the magnitude of the problem (calls to the Virgin Islands, South Africa, Pompano Beach, etc.). Flahaven said Solon seemed surprised about the calls and stunned at the amount of calls. Flahaven said that Solon denied making the calls.

Solon asked them to prepare a bill for all the calls made and he would come in on Monday, April 12th to reimburse the State.

Flahaven said that on Monday the 12th, Solon paid for the calls.

VI. WHO REVIEWED SENATE PHONE BILLS

Maritta Gould, a secretary/receptionist in the Sergeant-at-Arms Office, reviewed the In-WATS bills which they received from the Department of Administration on a monthly basis. According to Lindquist and Flahaven, Gould looked for "obvious" patterns of calls to a particular number. Gould also looked for any obvious increases in the bill from month to month.

Flahaven and Lindquist were asked if she ever raised any questions about a senator's phone bill and said we should talk to Jim Greenwalt.

Flahaven said that it was not a practice to send each senator monthly call details summarizing their long-distance phone calls. Flahaven said until the House problems surfaced, they were not in the business of questioning senators' calls.

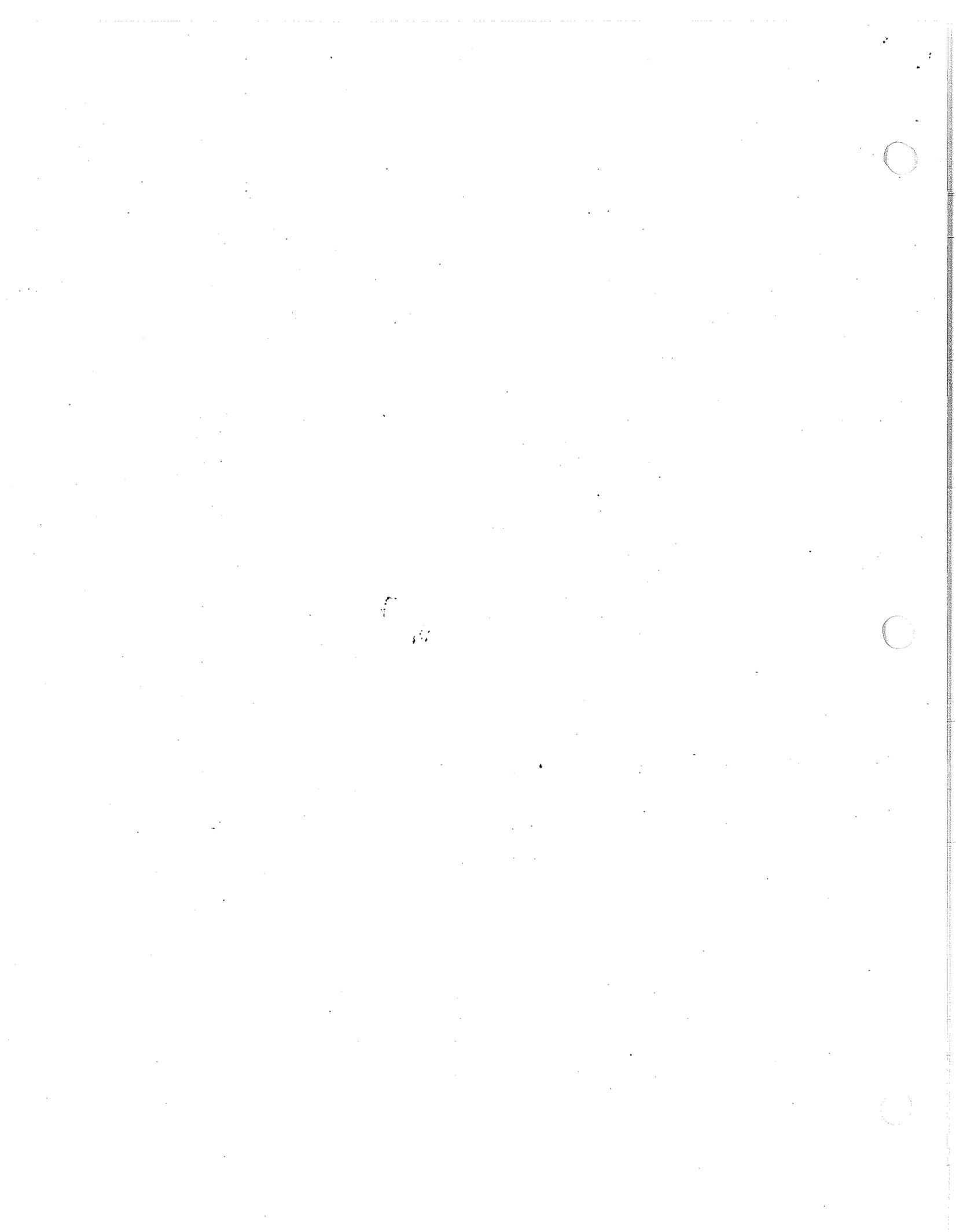
Flahaven said the Senate access code has been changed four times during the past 24 months, principally to try and protect the number from abuse or theft. Flahaven said the code was changed in January 1991, July 1992, January 1993 and April 1993.

NOTE:

On April 19, 1993, Lindquist provided copies of call detail phone bills as well as Tele-Comm USA bills. The call detail summaries include calls made from Senator Solon's office and calls using Senator Solon's access code.

The call detail billing for access code calls (destination number) covered the period 8-1-92 through 3-93. Tele-Comm USA bills (origination numbers) were for the period from 8-1-92 through 3-93. Lindquist said they did not receive any Tele-Comm USA bills until 8-1-92.

We also received call detail summaries for long-distance calls placed from Senator Solon's office phones for the period of 1-92 through 3-93.



INVESTIGATIVE REPORT

OFFICE OF ATTORNEY GENERAL
HUBERT H. HUMPHREY III

Criminal Division
Docket Number: 35.122X.0262

Law Enforcement Section
1400 NCL Tower
St. Paul, MN 55155

Date: April 21, 1993

SUBJECT OF INVESTIGATION:	Senator Sam Solon
VIOLATION ALLEGED:	Telecommunications and Information Services Fraud
REPORTING INVESTIGATOR:	Richard E. Munson Thomas F. Sullivan
ASSIGNED ATTORNEY:	James P. Spencer
NATURE OF REPORT:	Interview Summary
SOURCE:	Senator Sam George Solon (DOB: 6/25/31) 616 West 3rd Street Duluth, MN 55806
INFORMATION ACQUIRED BY:	Personal Knowledge
STATUS:	Active
DISSEMINATION:	Limited

REPORT SYNOPSIS

On April 21, 1993, Rick Munson and Tom Sullivan interviewed Senator Sam Solon regarding published allegations that his office phone's WATS line, as well as his long distance access code, had been used in an unauthorized manner.

BACKGROUND

The reporting investigators met with Senator Sam Solon in the 15th floor conference room of the NCL Tower. We explained to Senator Solon that the investigation into possible misuse of his office telephone and access code had been turned over to the Attorney General's Office by the Ramsey County Attorney because of a conflict of interest. Senator Solon replied he knew only what he had read in newspaper accounts and didn't understand why an investigation was necessary. He added, however, he had done nothing wrong in his opinion and wished to cooperate with us as much as possible.

We asked Senator Solon to explain to us his understanding of the state's WATS line system. Senator Solon said he was first elected in 1971 and was never told anything in particular about the telephone system. He recalled receiving no written instructions regarding the proper use of the system. Senator Solon explained he and others in the government "presume" proper uses and that an understanding of the phone system becomes based on "common sense." Senator Solon said he--and many others in the legislature and senate--defines "state business" in very broad terms. He explained that to him state business is defined as dealing with constituents, creating jobs, economic development and anything else necessary in conducting the affairs of the state.

Senator Solon explained it was his understanding the state had a WATS system which involved a fixed charge and, therefore, no additional cost was created on any given call until a certain level was reached. In response to our questions, Senator Solon could not recall ever talking about that situation with anyone in particular, but indicated it was understood by most people to work in that manner. He said it is now his understanding, based on talking with other government personnel since the phone system problems became known, the system actually did work in the way he had described until several years ago. He said he was never told about any change in the way the system worked if, and when, it did change several years ago. In summary, Senator Solon said people within the system simply never talked about the use of their telephones.

Regarding his access code itself, Senator Solon said he received it from his staff who taught him the mechanics of how to use it. He didn't recall ever receiving any other instructions as to proper use of the access code from anyone. He said his individual access code has been changed over the last couple of years.

Rick Munson showed Senator Solon several Senate memos regarding phone regulations which had been given to us by Patrick Flahaven, Secretary of the Senate. Senator Solon was asked if he remembered these memos. He replied he didn't remember either seeing or reading the specific memos. He was asked if he had read the latest memos. He replied he thinks he read the memo dated April 8, 1993. However, Senator Solon again said that when he received a new access card from his staff, only the card itself was in the envelope he was given. Senator Solon was also asked whether or not he gets the state telephone directories each year and whether or not he reviewed the instructions therein. He replied he never read any of the material in the directories and only used the books when he needed to look up a telephone number.

Senator Solon once again wished to emphasize what he considered the traditional, proper use of the state phone system for long distance calls. He explained he feels very strongly that since he is elected by the people, they deserve to be served well by him. He, therefore, feels it is proper to use the state phone system for anything that is "state business." To him, he explained this means allowing calls to come into his office from his constituents in the Duluth area or making calls to them when it involves constituent problems, job creation, etc. He said, for example, if several constituents were visiting his office in St. Paul, he would see nothing wrong with letting those people use his office phone to make long distance calls back to Duluth if so needed during their visit. He said this was the interpretation which other outstate legislators and senators also used, but added it might be somewhat different for the local legislators and senators.

RELATIONSHIP WITH CHUCK WESTIN

Senator Solon described in some detail his lifelong relationship with Chuck Westin. He explained that as children they grew up in the same neighborhood in Duluth and had remained closest of friends ever since. Senator Solon explained they have had an obvious professional relationship, since Westin has worked over the years for organizations such as the Duluth Chamber of Commerce, Northeastern Minnesota Development Association and (NEMDA) and MGMC, a lobbyist organization. All of these entities worked in areas such as job creation and economic development in the Duluth area. These are also areas in which Senator Solon possessed a strong interest.

Senator Solon also explained that for the last several (at least four or five years), he has lived with Chuck Westin during legislative sessions. Senator Solon explained this living relationship was the primary reason he gave Westin his access code. He could not remember exactly when he gave him the code but thought it was within the last two years. He explained that because of his Senate position people were constantly trying to "track me down." Since everyone knew he lived with Chuck Westin, people would call for him at Westin's residence and, if it was important, Westin would then use the access card to call Senator Solon in Duluth or elsewhere. We asked Senator Solon whether or not he told Westin about any restrictions on the access code when he gave it to him. Solon replied that he didn't remember anything in particular, but his intention was merely to give Westin a way to get ahold of him when necessary. In response to questioning, Senator Solon said he gave Westin his new access code whenever it was changed.

We asked Senator Solon whether Westin ever told him he (Westin) gave the access code to anyone else. Senator Solon answered he didn't recall being told on any occasion by Westin that he had given the code to someone else. Solon said he "thinks he would have reacted" in some way if he would have been told. He added it is only since the "rumors" of phone misuse came out that he knew Westin had given the access code to someone else.

We told Senator Solon we wanted to discuss the particular incidents of Don Johnson using Senator Solon's office phone and access code. We asked if Chuck Westin ever mentioned Don Johnson to him. He said he didn't ever remember being specifically told about

Don Johnson. He said until recently he didn't recall the name. We asked Senator Solon whether he remembered Chuck Westin telling him about a black businessman he was trying to help. Senator Solon replied he vaguely remembers hearing during the last couple of years about some kind of business deal that Westin was involved in dealing with economic development and/or job creation. He remembers hearing something about South Africa or South America. He said however he never knew anything about calls being placed to South Africa using his phone before the story broke in March, 1993. He added he never knew exactly what Westin's involvement was with Don Johnson.

Tom Sullivan presented to Senator Solon the scenario of Don Johnson using Solon's phone with facts known at the time of the interview. Sullivan asked Senator Solon specifically whether or not he would have given Westin permission to allow someone (Johnson) to use his office phone for long distance call to South Africa if Westin would have told him he was attempting to help a St. Paul, black businessman start a new import/export business. Senator Solon was emphatic in answering no. He stated that under that given set of circumstances he absolutely would not have allowed someone to use his office phone for long distance calls to South Africa.

We asked Senator Solon if he knew anything about whether or not Westin had any monetary interest in Johnson's business venture. Once again, Solon emphasized he never knew exactly what Westin's involvement with Donald Johnson really involved. In fact, Solon said no one on his office staff ever mentioned to him the fact that Johnson was coming into his office and using his phone. Solon added that to this day he has never seen Don Johnson.

We asked Solon specifically about whether or not he knew anything about Stoney Point Investment Corporation. He indicated he didn't know what that particular entity was but the name sounded familiar. However, he wasn't sure whether or not the familiarity was only because we were raising the question at this time.

OTHER USE OF ACCESS CODE

Senator Solon was asked whether or not he had ever given anyone other than Chuck Westin his access code for personal use. Senator Solon replied he thinks he gave his access code number to his family (son) in Duluth. Once again he said that the only instructions he would have given his son would have been to tell him it was okay to use the code in order to get ahold of him (Senator Solon). In fact, Solon didn't know whether or not his son had ever used the access code to call him or not. Senator Solon's home telephone number in Duluth is (218) 727-3997.

Senator Solon also said he gave his access code number to Ron Limoseth whom he described as a volunteer aide living in Duluth. (It should be noted that Mr. Limoseth has served as Senator Solon's campaign manager for the past twenty years.) Senator Solon explained that essentially he gave his access code number to Mr. Limoseth so he could "get a hold of me" when necessary. He explained Limoseth does legitimate constituency work and checks Senator Solon's mail and telephone answering machine for messages. Solon said Limoseth called him frequently from Duluth to tell him what was going on with constituents

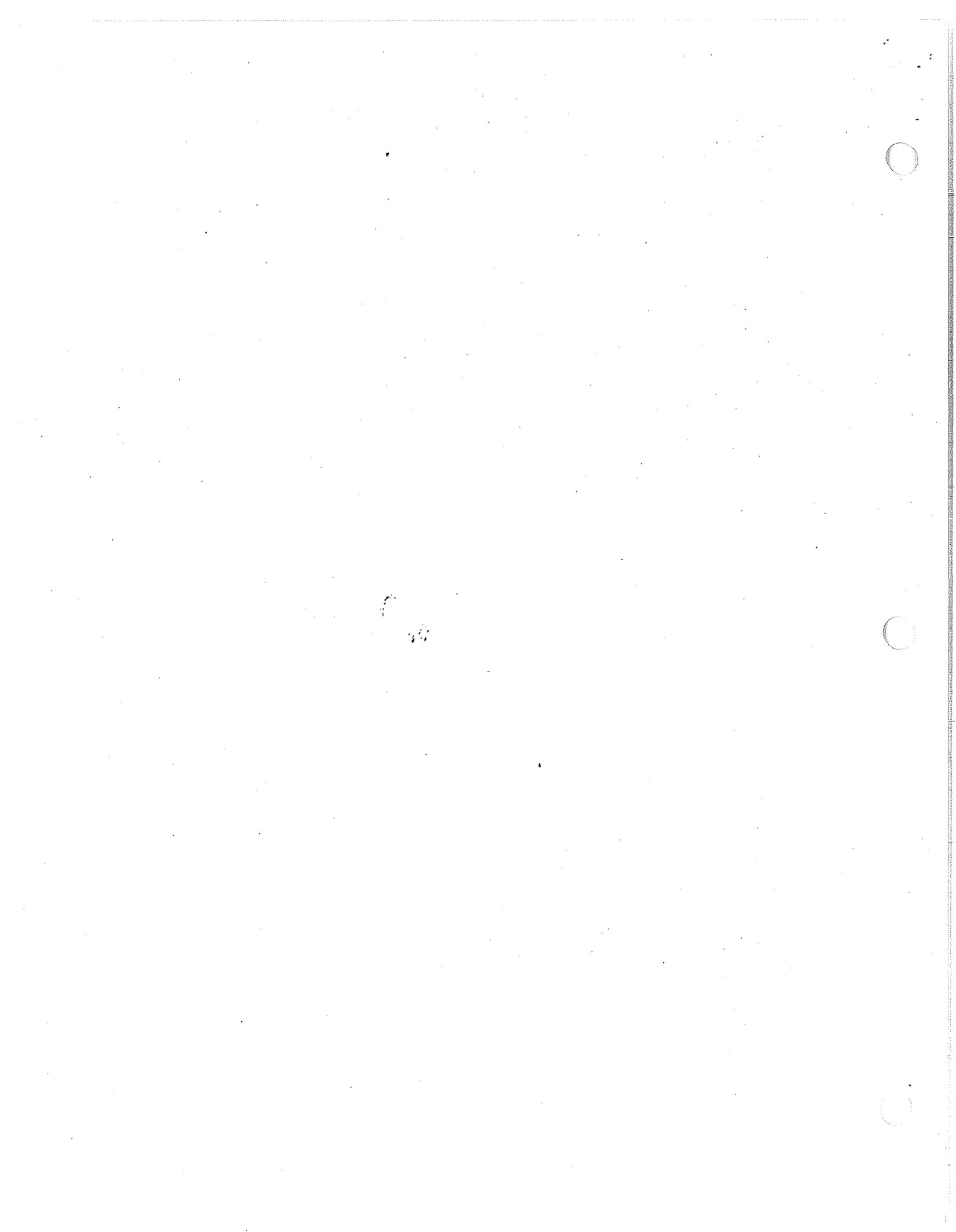
Investigative Report
Re: Charles Westin Interview
April 21, 1993
Page 5

and various problems in Duluth and to relay messages, etc. Senator Solon did not remember giving Limoseth any particular instructions when he gave him the card other than to tell him it was okay to use for state business. He said he does not remember telling Limoseth what not to do with the card.

We told Senator Solon we understood Mr. Limoseth had used the access code for some telephone calls from Pompano Beach, Florida. We asked him to explain that situation. Senator Solon replied that Limoseth and his wife go down to Florida to stay for about three months every winter. He said Limoseth recently told him that his wife had been using Senator Solon's access card for personal calls unbeknownst to him (Limoseth). Senator Solon said he knew nothing about these calls until the recent investigation of the Senate phone bills.

FOLLOW UP

At the conclusion of our interview, Senator Solon indicated his willingness to continue to cooperate with our investigation. He reminded us, however, that he would be very busy as the Senate session neared the end. He said if we needed to talk to him again or needed more information, we should feel free to call his secretary in order to set up a convenient time for a meeting.



INVESTIGATIVE REPORT

OFFICE OF ATTORNEY GENERAL
HUBERT H. HUMPHREY, III

Criminal Division
Docket Number: 35.122X.0262

Law Enforcement Section
1400 NCL Tower
St. Paul, MN 55155

Date: April 20, 1993

SUBJECT OF INVESTIGATION:	CHARLES WILLIAM WESTIN SENATOR SAM SOLON
VIOLATION ALLEGED:	TELECOMMUNICATIONS & INFORMATION SERVICES FRAUD
REPORTING INVESTIGATOR:	RICHARD E. MUNSON THOMAS F. SULLIVAN
ASSIGNED ATTORNEY:	JAMES P. SPENCER
NATURE OF REPORT:	INTERVIEW SUMMARY
SOURCE:	CHARLES WILLIAM WESTIN DOB: 6/10/35 1952 Foxridge Road Phone: 730-7685 St. Paul, Minnesota 55119 Work Address: 640 N. Pryor St. Paul, Minnesota 55104 Phone: 644-0717
INFORMATION ACQUIRED BY:	PERSONAL KNOWLEDGE
STATUS:	ACTIVE
DISSEMINATION:	INTERNAL USE ONLY

REPORT SYNOPSIS

On April 16, 1993, Tom Sullivan and Rick Munson interviewed Charles Westin regarding newspaper reports that Westin engaged in unauthorized use of State Senator Sam Solon's office phone's WATS line as well as the Senator's access code.

BACKGROUND

1. Westin is co-owner, with Randy Asunma, of a lobbying group known as MGMC Corp. Westin has co-owned the company since its inception in 1985 or 1986.
2. From 1978 to 1985, Westin was executive director for Northeast Minnesota Development Association "NEMDA" located in Duluth. Westin said NEMDA originated in 1964 as a private, non-profit development entity. Westin described NEMDA as an economic development group for Northeast Minnesota which also lobbies the State for bonding bills, tax programs and incentives for promoting labor-oriented business within the Northeast Minnesota region. It should be noted that NEMDA is currently a client of MGMC Corporation.
3. From 1977 to 1978 Westin ran Spirit Mountain in Duluth and was asked to correct a theft problem they had experienced.
4. From 1969 to 1977 Westin ran the Duluth Area Chamber of Commerce.

Westin said he has known Solon since childhood. For the past 7 or 8 years Solon has lived with Westin in St. Paul during the legislative sessions.

USE OF SENATOR SOLON'S OFFICE PHONE AND ACCESS CODE

Westin said he received a phone number with an access code for use in making long distance phone calls from Senator Solon twice in the past two years. Westin believes Solon gave him the second access code sometime in mid-1992 (June/July) when the Senate access numbers were all changed.

According to Westin, Solon voluntarily gave the access number to him. Westin said he recalls Solon's only comment at that time being "If you need to call me, call me on the card." Westin said Solon placed no restrictions on use of the card. Westin said it was his understanding the State of Minnesota purchased a block of WATS line time and there would be no charge for use of the card unless the block of time was exceeded. Westin explained that he thought the WATS line and access code line were "technically" the same system.

Westin admitted using Solon's access code to place personal calls from his residence and Solon's WATS line to place personal calls from Solon's office. Westin said most, if not all, calls were to his family in Duluth (daughter, son and ex-wife). Westin was asked why he used the access card from his residence. Westin responded that it was "pure stupidity" and felt there was no cost to the State or himself. Westin admitted that it saved him from being charged for the calls, a charge he would have otherwise had to pay.

RELATIONSHIP TO DON JOHNSON

Westin said he met Don Johnson, an African American, approximately one and one-half years ago (winter '91-'92) at a fund raiser for St. Paul City Councilman Bill Wilson. Johnson described to Westin a business plan he envisioned involving the importing of products from South Africa and the Virgin Islands. Westin said he was impressed with Johnson's plan and offered to help him if possible. Westin explained that he wanted to assist in the establishment of a minority-owned business.

Later, when Johnson approached him with a need to make long-distance telephone calls in order to get the business started, Westin gave Solon's access number to Johnson. Westin said he also told Johnson he could use Senator Solon's office phone WATS line at the Capitol.

Westin explained his actions by saying once again that he was trying to assist a minority person establish a new business. He said Johnson could not afford, at that time, to make monthly phone payments for long-distance calls which would be needed to start the business. He added that Solon's Senate office was within walking distance of Johnson's downtown St. Paul residence and thus convenient to him.

Westin said that when he gave the number to Johnson, it was with the understanding Johnson would be responsible for use of the number. Westin said he told Johnson the calls were monitored by the Senate and they would be notified of any calls exceeding the "block of prepaid time," which would then have to be reimbursed. Westin explained that in that event, he would be able to identify calls placed to "certain areas" and be able to pay for those calls. He said this never happened until March of 1993 as detailed further herein. Westin said that because Johnson had virtually no money, Westin agreed to pay for the calls if Johnson wasn't able to get the business off the ground. If Johnson's business succeeded, Westin said Johnson would then be responsible for reimbursement.

Westin said Johnson used the access card number to place calls from both Westin's office (644-0717) and Johnson's residence (222-3038). Westin said among the places called by use of the access code was the Virgin Islands. All calls to South Africa were placed from Senator Solon's office phones using the WATS line. Westin said he believes all of Johnson's calls related to the import business.

Westin said he recalled telling Solon in Duluth this past summer (1992) about Don Johnson, and asking for and receiving permission for Johnson to use Solon's office phone. Westin said Solon does not recall that discussion. Westin speculated that because the discussion took place at a campaign function for Senator Solon, who was involved in a tough campaign at the time, Solon may not recall the conversation. Westin said he never told Solon that he had given the access code to Johnson.

As part of his effort to assist Don Johnson in establishing his minority-owned business, Westin gave Johnson title to a 1980 Chrysler Cordova approximately one year ago. Westin said he also had been, for several months, giving \$100 per month to Johnson for expenses. (Westin said the \$100 per month is deducted from Westin's interest in MGMC.)

Westin also said that in late February or early March, 1993, he loaned Johnson's business \$15,000 interest free with no collateral or security. Johnson's business is known as Don Johnson, Ltd. Westin said there were no written contracts or agreements. Westin said he has no ownership interest in Johnson's company and he claims that there is no profit in it for him. Once again Westin explained that his primary purpose in assisting Johnson was to help a struggling minority person start a business. He also claimed he doesn't consider Johnson to be a "client." Westin said the loan is to be repaid when, and if, Johnson gets the business up and running.

Westin could not recall whether the \$15,000 loan was made with a business check or a cashier's check. He said, however, the funds came from his business account.

FOLLOW-UP

Westin said after Representative Welle's situation became public, he talked to Solon and advised him there were "extraordinary calls" that were going to be taken care of. Westin said Solon was in a rush at the time and said okay, okay, although he didn't appear to be paying close attention to what was being said.

Westin said he approached Sven Lindquist, Chief Sergeant at Arms for the Senate, to advise him of the calls to South Africa, Virgin Islands, and other calls placed by Johnson through use of Solon's office phone and access code. Westin said he made the contact prior to March 17, which is when the phone misuse allegations were reported in the newspapers. Westin claimed his meeting with Lindquist was not "triggered" by the legislature's phone problem publicity. Westin said he was aware of some "problem" in the legislative house, but was unaware at that time that it involved the phone system.

NOTE: Later this date, Westin called the reporting investigator and left a message stating, "Saw Sven Lindquist, Senate Sergeant Arms, after 17th of March instead of before."

Westin said Sven's reaction seemed to be that he was aware of the calls and Westin was able to help Sven put the pieces together. Westin said about 10 days ago he "got a slip" from Sven indicating that calls placed by Johnson to and from identified locations totalled \$1600. Westin said he has since reimbursed Solon \$1,600 in cash.

INVESTIGATIVE REPORT

OFFICE OF ATTORNEY GENERAL
HUBERT H. HUMPHREY III

Criminal Division
Docket Number: 35.122X.0262

Law Enforcement Section
1400 NCL Tower
St. Paul, MN 55155

Date: June 11, 1993

SUBJECT OF INVESTIGATION:	Charles William Westin Senator Sam Solon
VIOLATION ALLEGED:	Telecommunications and Information Services Fraud
REPORTING INVESTIGATOR:	Richard E. Munson Thomas F. Sullivan
ASSIGNED ATTORNEY:	James P. Spencer
NATURE OF REPORT:	Interview Summary
SOURCE:	Charles William Westin (DOB: 6/10/35) 1952 Fox Ridge Road St. Paul, MN 55119 (730-7685) 640 North Pryor (Work) St. Paul, MN 55104 (644-0717)
INFORMATION ACQUIRED BY:	Personal Knowledge
STATUS:	Active
DISSEMINATION:	Limited

REPORT SYNOPSIS

On June 9, 1993, Tom Sullivan and Rick Munson interviewed Charles Westin for the second time regarding newspaper reports that Westin engaged in unauthorized use of State Senator Sam Solon's office phone WATS line, as well as the Senator's access code. Also

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Re: Charles Westin Interview
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present during the interview was Mr. Westin's attorney, Robert C. Hoene. Mr. Hoene practices law at 1800 American National Bank Building, St. Paul, Minnesota 55101 (222-2838).

BACKGROUND

In telephone conversations prior to the interview on June 9, 1993, Mr. Westin, through his attorney Robert Hoene, asked if it would be permissible to receive a copy of any investigative report which may have been prepared summarizing his first interview of April 16, 1993. Prior to our meeting, it was decided that our office would allow Mr. Westin and Mr. Hoene to review a copy of our investigative report while in our presence, but that we would not allow them to keep a copy to take with them. It was also agreed at that time the interview would not be tape recorded.

The reporting investigators met with Charles Westin and Robert Hoene in the 15th floor conference room of the NCL Tower. Mr. Hoene explained that his client had asked to review the first investigative report in order to clear up any inconsistencies which might be in the report. He also indicated his client wished to continue to cooperate with our office and was present to answer any questions relating to matters which might have come up during our investigation which had not been covered during the first interview. Mr. Westin and Hoene were each given a copy of an investigative report dated April 20, 1993 which summarized an interview between the reporting investigators and Charles Westin which took place on April 16, 1993. After reading the investigative report, Mr. Westin was asked whether or not he had any comments about the investigative report and whether or not there were any factual discrepancies between what was in the report and what he understood to have been said during the first interview. Mr. Westin indicated that he didn't have any substantive comments or changes which he felt needed to be made to the first investigative report. His only comments (which will be discussed further herein) were related to the approximate date on which he received the access card number from Senator Solon and about a quote attributed to Senator Solon in the first report.

We discussed with Mr. Westin the relationship of his company (MGMC) his former employer and now client (NEMDA) and his individual lobbyist clients as they relate to Senator Solon. Specifically, the questioning involved whether or not these entities or individuals contribute to Senator Solon's campaigns. Mr. Westin replied that MGMC does not have a PAC and therefore doesn't contribute to Senator Solon. He explained that NEMDA is filed as a 501(c)(b) non-profit organization (Internal Revenue code) and therefore can't contribute to Senator Solon's campaign. Concerning his current clients for which he lobbies, Mr. Westin said he assumed some of them probably contributed to Senator Solon's campaign, but he didn't know of any specific contributions.

We asked Mr. Westin how much he had repaid to the state for telephone calls placed by himself and/or Don Johnson. He replied he had reimbursed Senator Solon \$1,600 when the problem first surfaced and subsequently gave Senator Solon another check for between \$200 and \$300 which he received from Don Johnson. The latter check was for reimbursement of

telephone calls made by Don Johnson which were found by Sven Lindquist, Senate Sergeant at Arms, on telephone bills received in April of 1993.

We asked Mr. Westin if he had talked to any of the parties involved in this matter recently. He said he sees Don Johnson on a regular basis but that they haven't really discussed this particular situation. He also indicated that he had recently talked to Tom Berg, Executive Director of NEMDA. He indicated Berg had mentioned that he (Berg) had talked to Rick Munson of the Attorney General's Office by telephone. Westin said, however, Berg hadn't really told him anything about those conversations.

USE OF SENATOR SOLON'S OFFICE PHONE AND ACCESS CODE

We told Westin we wanted to review with him once again his use of Senator Solon's access card. It was at this point Westin indicated there was inaccurate information in our first investigative report. The investigative report summarizing the April 16, 1993 interview stated that Westin had received Senator Solon's access code twice in the past two years and that he was given the second access code sometime in mid-1992. Now, after thinking it over, Westin said he probably received an access code from Senator Solon for the first time during the summer of 1992 and then received the new, second access code in January of 1993. Westin explained he is not able to remember exactly the circumstances under which he was given the cards because as he says it was "not a big thing" when Senator Solon gave it to him.

Also, the first investigative report indicated Westin had been told at the time he was given the card by Solon "if you need to call me, call me on the card." During this second interview, Westin explained that he did not mean to be attributing that particular quote to Solon during his first interview with us. Rather, he said he is not sure of any particular quote and just remembers being given the card and understanding that he could use it to get ahold of Senator Solon. He said it was his (Westin's) assumption that he could use the access code to call Senator Solon for state business. When asked why he thought he could assume it was okay to use the access code for state business, he replied that at the time he thought the state had "free time" on the WATS line. He added it was just "common knowledge" around the senate and state government that there was a block of free time available for long distance telephone calls. Mr. Westin added it was also his experience at the Duluth Chamber of Commerce that their WATS line involved a block of free time.

We asked Mr. Westin for what he personally had used the access card. Westin replied that most of the calls he placed using the access card would have been either from his office or from his residence and that he only used the card to call Senator Solon, NEMDA in Duluth, or his daughters who each live in Duluth. (His daughters are Sally Westin, (218) 721-3525 and Victoria Jaques, (218) 525-4399.) Mr. Westin didn't want to hazard a guess as to how often he had placed calls to Senator Solon or NEMDA, but said Solon's access card was probably used every time he had to make a long distance call to either Senator Solon or NEMDA. He explained that typically he called NEMDA to return a call which had been placed to him by Tom Berg, President of NEMDA. We asked Mr. Westin why he thought it would be proper for him to use Senator Solon's access card to call NEMDA. Westin explained he felt it was

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Re: Charles Westin Interview
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legitimate state business dealing with economic development matters such as the Northwest Airlines situation and emphasized again that he felt there was no cost to the State for the calls. In response to a question, Mr. Westin said he had never given Senator Solon's access card number to anyone at NEMDA.

Mr. Westin informed us that since our previous meeting with him he now remembers two conversations at which he discussed with Senator Solon the fact that he wanted to use Solon's access card and/or WATS line for the Don Johnson matter. Westin now remembers that in the summer of 1992 he met at the Jolly Fisher Restaurant in Duluth on a Saturday afternoon with Senator Solon and Tom Berg from NEMDA. Westin said it was during that setting that he asked Senator Solon if a "black man" could use his phone and card for starting a new business. He said he "probably" mentioned the fact that phone calls would have to be made to South Africa. Westin admitted Senator Solon still doesn't recall this conversation, but told us Senator Solon seemed distracted at the time and may have not been listening closely.

Westin also now remembers a second conversation which happened sometime after the aforementioned conversation at which time he met at Senator Solon's house with Senator Solon and Ron Limoseh, Senator Solon's campaign manager. Westin explained that once again he mentioned the fact that he was working with a minority person trying to put together an import/export deal. Mr. Westin admitted he probably talked about the project only in very general terms and may not have mentioned Don Johnson or South Africa by name.

At this point we once again asked Mr. Westin to summarize why he thought it was proper to give Senator Solon's access number to Don Johnson for this particular business venture. Mr. Westin replied that there were three reasons: (1) he (Westin) had permission to use the access number from Senator Solon, (2) the calls were being made for economic development purposes, and (3) it was for the benefit of a minority individual. Mr. Westin emphasized he felt very strongly about the fact that his actions were proper because the venture Don Johnson was involved in related to state business and it was important to create jobs in the minority community. He speculated that if the business grew to the extent he and Mr. Johnson thought possible, it might eventually even help the port of Duluth by exporting products through that port.

RELATIONSHIP TO DON JOHNSON

Mr. Westin was emphatic he had not shared Senator Solon's access code with anyone other than Don Johnson. We asked him whether or not he knew if Don Johnson had himself shared the code with anyone else. Westin said he was not aware of Johnson sharing the access card with anyone else and, in fact, said Johnson had told him he had "absolutely not" shared it. Westin said Johnson oftentimes made calls using Solon's access card from Mr. Westin's office which had been provided to him. He indicated that Don Johnson is still using a desk at Westin's office. When asked to describe the relationship between himself and Don Johnson, Westin replied that Don Johnson would say that Westin is "assisting" him in the consulting and financial necessities of his new business. Westin then explained to us that he feels strongly about this situation because he has recently found his "direction" in life. This direction is to,

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Re: Charles Westin Interview
June 11, 1993
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in this case, help this particular black person establish a business with the hope that Johnson will help others in the future as Westin has helped him.

We then reviewed with Westin a \$15,000 loan which he had previously explained to us as having been given to Johnson in March of 1993. We told Westin we were confused by the fact he previously told us he had already loaned \$15,000 to Don Johnson when in fact, Don Johnson had provided us with documentation which showed he had received only \$8,000 at the time of our previous meeting. Westin explained that he had meant Don Johnson had \$15,000 "coming" to him and Westin gave him something (\$8,000) up front and the rest of the money wasn't needed until inventory began arriving. Westin added that the \$15,000 came from a MGMC account and belonged to him. He explained the funds were his to draw upon from the MGMC account. He said the remaining \$7,000 had not been drawn out yet. He thought the remaining \$7,000 would be due on approximately the 18th of this month (June).

At this point we showed Mr. Westin and his attorney a copy of check no. 1509 dated May 4, 1993, drawn on the account of Stoney Point Investment Corporation payable to Don Johnson, Limited in the amount of \$7,000. We asked Mr. Westin to explain why he told us Mr. Johnson had not as yet received the \$7,000 installment on the loan from Westin. Mr. Westin really had no explanation other than to say he probably forgot the transaction or perhaps it had been handled by his secretary. Westin identified the signature on the check as his but still could not remember actually issuing the check. He indicated he would follow up on this transaction with his secretary and would get back to us with an explanation through his attorney.

We asked Mr. Westin to explain where the \$8,000 which was given to Don Johnson in May of 1993 came from. He explained that MGMC held a \$20,000 certificate of deposit at Southview Bank in South St. Paul at that time. He said he sent a secretary to the Southview Bank to redeem the certificate of deposit and transferred \$8,000 to an account called Stoney Point Investment Corporation at that bank. The remaining \$12,000 (plus interest) was transferred to a MGMC bank account at First Bank--Midway. We asked Mr. Westin again whether or not he had the right to withdraw the \$8,000 from MGMC. He stated emphatically that the money was due him and that he and his partner operated much in the fashion of a partnership; that is, they took draws against their individual earnings accumulations.

We asked Mr. Westin to explain how Stoney Point Investment Corporation fit into the picture. He explained the corporation had been formed sometime around 1972 when he and a partner, Harold Frederichs, owned a drive-in in South St. Paul. He added that over the years the corporation had been in the collection business, car repossession and used car sales. He said from 1991 until recently the account had been basically dormant. He explained Harold Frederichs has not been a partner in any business with him for a long time and currently the bank account and corporate name is being used by his son John Westin, who is in the business of selling acrylics and plastics. We told Mr. Westin we had seen the signature card for the Stoney Point Investment Corporation bank account and that besides himself and his son, the card also listed Gary Muenzhuber and Jim Goettl. Mr. Westin indicated he was surprised they were still on the signature card since he was no longer doing business with them, but they had been his partners in the collection and used car businesses.

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Re: Charles Westin Interview
June 11, 1993
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In response to questioning, Westin indicated there was no particular reason why he had loaned the money to Don Johnson through the Stoney Point Investment Corporation rather than MGMC. He speculated it was probably because the certificate of deposit had been at that bank and it was just easier to do it that way.

We asked Westin when he became aware of the fact Don Johnson had used Kathy Foley's senate phone to make calls to South Africa. Westin replied he didn't know until after the fact and speculated he probably learned from Sven Lindquist when they were reviewing the legislative phone records.

NOTE: On June 10, 1993, Robert Hoene, Westin's attorney, called Rick Munson and reported that Westin talked to his secretary (Cindy) regarding the \$7,000 check payable to Johnson. Cindy told Westin she prepared the check and gave it to Westin to sign, which he did. Westin told Hoene he did not recall signing the check, possibly due to the hectic legislative schedule. Hoene said Westin vaguely recalled an exchange with Johnson at his office which may have included the \$7,000 check.

He also provided four additional telephone numbers for Westin's Office: 1) 644-0623, 2) 644-0645, 3) 644-5605, and 4) 644-5143.

INVESTIGATIVE REPORT

**OFFICE OF ATTORNEY GENERAL
HUBERT H. HUMPHREY III**

**Criminal Division
Docket Number: 35.122X.0262**

**Law Enforcement Section
1400 NCL Tower
St. Paul, MN 55155**

Date: April 29, 1993

SUBJECT OF INVESTIGATION:	SENATOR SAM SOLON CHARLES WILLIAM WESTIN DON JOHNSON
VIOLATION ALLEGED:	TELECOMMUNICATION AND INFORMATION SERVICES FRAUD
REPORTING INVESTIGATOR:	RICHARD E. MUNSON THOMAS F. SULLIVAN
ASSIGNED ATTORNEY:	JAMES P. SPENCER
NATURE OF REPORT:	INTERVIEW SUMMARY
SOURCE:	DON JOHNSON 488 Wabasha Street, No: 405 St. Paul, Minnesota 55102 (612) 222-3038 (h) (612) 224-5771 (w)
INFORMATION ACQUIRED BY:	Personal Knowledge
STATUS:	Active
DISSEMINATION:	Limited

Investigative Report-Senator Sam Solon
Re: Don Johnson
April 29, 1993
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REPORT SYNOPSIS

On April 19, 1993, Tom Sullivan and Rick Munson interviewed Don Johnson regarding unauthorized use of Senator Sam Solon's office WATS line and long distance access code.

BACKGROUND

Johnson said he currently works for the St. Paul Urban League (since September 1991) and has been in the process of setting up a business importing products from South Africa and the Virgin Islands. Prior to September 1991, Johnson said he owned a consulting business in Washington, D.C. from 1985 until 1991. Johnson said the consulting business involved foreign trade. At one point Johnson mentioned having a second business in Washington which also closed.

RELATIONSHIP TO CHUCK WESTIN

Johnson said he met Chuck Westin approximately two years ago at a political fundraiser for St. Paul City Councilman Bill Wilson. At that time Johnson and Westin discussed some of Johnson's ideas relative to an import/export business. Johnson said Westin was very interested in his ideas and asked that they meet again. Johnson said he and Westin met within a couple of weeks at which time Westin indicated a willingness to help get the business off the ground. Part of his effort would include trying to help raise capital. Johnson said Westin wanted to help a minority business with the hope that Johnson (an African-American) could get on his feet and help bring jobs to other minorities.

Johnson, who had not owned a car since returning to Minnesota, said approximately one year ago, Westin gave him a car. Johnson said title was officially transferred from Westin to Johnson without compensation. Continuing, Johnson said Westin helped in a number of ways including providing office space and a \$15,000 interest-free loan. Johnson said the loan was necessary in order to purchase inventory which was due to arrive in late April or early May, 1993. The money was also to be used for other start-up expenses related to his import business. Johnson said he received the loan from Westin around March 10, 1993 in the form of a \$15,000 check drawn on Westin's business account.

NOTE: Johnson was asked if he could provide us with photocopies of the check he received from Westin as well as his deposit ticket evidencing deposit of Westin's check. Johnson said he would and within a couple of hours following the interview, Johnson provided a copy of the check and deposit ticket, which are attached to this report. The check, dated March 10, 1993, was drawn on the account of Stoney Point Investment Corporation (Southview Bank, South St. Paul) and was payable in the amount of \$8,000, not \$15,000 as Johnson and Westin had both indicated. The signature on the check is unclear, however, it is believed that Westin signed the check. The check was made payable to Don Johnson Limited. It appears that Johnson used the check as the initial deposit to open an account in the name of Don Johnson Limited at First Bank Midway. The check was deposited on March 10, 1993.

Investigative Report-Senator Sam Solon

Re: Don Johnson

April 29, 1993

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Johnson said Westin did not have any ownership interest in the business although "with all he's done," Johnson contemplated giving Westin a consulting fee once the business was off the ground.

USE OF SENATOR SOLON'S OFFICE PHONE AND ACCESS CODE

Johnson said he first used Solon's office phone approximately one year ago. At that time, Johnson said he mentioned to Westin the need to call South Africa and the Virgin Islands as part of setting up the business. According to Johnson, Westin brought Johnson to Senator Solon's office at the State Capitol and introduced him to Senator Solon's staff. Westin told the staff Johnson would be using the phone as part of an economic development project. Johnson believes that Westin was with him only twice when he placed calls at Senator Solon's office.

Johnson said Westin also gave him Senator Solon's access code, which Johnson said he memorized. Johnson was vague regarding what Westin said when he gave him the number. Johnson did say that Westin never told him who the number belonged to or how he (Westin) got the number. Johnson assumed, however, it probably had something to do with Senator Solon.

Johnson said it was his understanding, by way of conversations with Westin, that the State purchased a block of phone time which was set aside for use in economic development. Further, it was Johnson's understanding that if a certain amount was exceeded he (Johnson) would be responsible for reimbursement. Johnson said he did not differentiate between Solon's office phone and access code, believing that they applied to the same "block of time." When asked if he kept any "list" of calls made for future reimbursement purposes, Johnson admitted that he maintained no such records. He explained that he usually made some "notations" of calls placed.

Johnson said he made a contemporaneous number of calls to South Africa from Solon's office. Further, he made a number of calls to four or five U.S. cities and the Virgin Islands by using Solon's access code. Johnson identified the U.S. cities as Atlanta, Washington, D.C., Los Angeles and Houston. Johnson said he used Solon's access code to place calls from his residence, Westin's office, and possibly other locations. Johnson did not specify any other locations. Johnson said he has a phone and desk at Westin's office, which are provided at no charge. According to Johnson, all calls he made from either Senator Solon's office or by using the access code related to his import business endeavor. Johnson said he had never met or seen Senator Solon.

Johnson claims he was unaware of any problems regarding Senator Solon's phone until he read the newspaper articles related to the legislature's phone bill on or about March 17. Johnson said he called Westin and asked him what was going on. Johnson recalls Westin telling him it was not good and looks like the "phone thing."

Investigative Report-Senator Sam Solon

Re: Don Johnson

April 29, 1993

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Johnson said he and Westin have had general discussions about what calls were made by Johnson's use of Solon's office phone and access code. Johnson believes he made calls totalling approximately \$1800. Johnson recalls making out a check in the amount of \$600-\$700 toward payment of the bill but doesn't remember if he mailed it or gave it to a bookkeeper to hold. Johnson believes the payee was left blank and doesn't believe it has been cashed at this time.

Johnson said he has not made any calls from Senator Solon's office or by use of his access code for more than a month.

INVESTIGATIVE REPORT

OFFICE OF ATTORNEY GENERAL
HUBERT H. HUMPHREY III

Criminal Division
Docket Number: 35.122X.0262

Law Enforcement Section
1400 NCL Tower
St. Paul, MN 55155

Date: May 20, 1993

SUBJECT OF INVESTIGATION:	SENATOR SAM SOLON CHUCK WESTIN DON JOHNSON
VIOLATION ALLEGED:	Unauthorized Use of State Phones
REPORTING INVESTIGATOR:	MUNSON
ASSIGNED ATTORNEY:	SPENCER
NATURE OF REPORT:	INTERVIEW/SUMMARY
SOURCE:	TOM BERGH 2212 Pershing Street Duluth, MN Phone: (218) 727-3441 (home) (218) 722-1484 (work)
INFORMATION ACQUIRED BY:	Personal Knowledge
STATUS:	Active
DISSEMINATION:	Limited

REPORT SYNOPSIS

On May 13 and June 11, 1993 I interviewed Tom Bergh, executive director of the Northeast Minnesota Development Association "NEMDA". Bergh was interviewed regarding NEMDA's use of Senator Solon's long distance access code.

BACKGROUND

NEMDA is a private non-profit organization involved in promoting economic development for the Northeast Minnesota region. Bergh said he has been executive director of NEMDA since December, 1987 or January, 1988. At that time Bergh replaced Chuck Westin.

Investigative Report - Senator Sam Solon
Re: Tom Bergh
May 20, 1993
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From 1984 until 1987, Bergh was an administrative assistant for NEMDA. During that time, Bergh reported to Chuck Westin.

USE OF SENATOR SOLON'S ACCESS CODE

Bergh said he has known Senator Solon since 1984. Bergh said that Solon first gave him his (Solon's) long distance access code approximately one year ago. Bergh said he received a second code from Solon in January or February 1993. Bergh said Solon gave him the code with the understanding that it was to be used to contact Senator Solon's office at the State Capitol regarding legislative matters. Bergh said that all calls he placed using Senator Solon's access number, related to economic development/legislative issues. Bergh does not recall using Solon's long distance code to make personal calls.

Bergh said that when Solon gave him the access code, he (Bergh) assumed that it was for business use only, although Solon did not give him any specific instructions or limitations on its use. Bergh did not believe there was any additional cost to the State for using Solon's access code. Bergh said that it was his understanding that the State purchased a block of time for which a flat fee was paid, with no limitation on the number of calls. Bergh said his information regarding the state phone system came from Solon or from general conversations at the Capitol. Bergh said NEMDA has a Wats line for which they pay a monthly fee plus an additional cost per minute for each call. Bergh estimated NEMDA's monthly phone bill to be approximately \$200.

Bergh said he has known Chuck Westin since 1984. Bergh recalled few conversations with Westin regarding the phone problem, although Bergh said Westin knew NEMDA had Solon's access code. Initially (During the May 13 the interview) Bergh said the only conversation they (Bergh and Westin) had regarding use of Senator Solon's phone occurred after the Star Tribune story broke in March. At that time, Bergh recalled Westin mentioning Don Johnson only to the extent that Johnson was a minority businessman trying to get a business started. During our meeting of June 11th, Bergh said that shortly after our discussion of May 13th, he recalled a conversation between Solon, Westin, and himself during which Don Johnson's use of Senator Solon's phone was a topic. Bergh said the conversation took place at the Jolly Fisher Restaurant in Duluth last May or June. Bergh recalls Westin asking Solon if it was okay for Don Johnson to use Senator Solon's phone. Bergh said he recalls Senator Solon responding affirmatively by nodding yes.

Bergh said he is sure Senator Solon knew what Westin was asking regarding use of his phone by Johnson.

Bergh said conversations with Westin regarding Don Johnson led him to believe that Westin was helping Johnson, with no personal financial gain for Westin. Bergh said that Westin calls NEMDA "pretty much on a daily basis" and believed Westin used Solon's access code to place the calls.

Bergh said Stony Point Investment Club is a familiar name, but does not know what it is.

INVESTIGATIVE REPORT

OFFICE OF ATTORNEY GENERAL
HUBERT H. HUMPHREY III

Criminal Division
Docket Number: 35.122X.0262

Law Enforcement Section
1400 NCL Tower
St. Paul, MN 55155

Date: May 20, 1993

SUBJECT OF INVESTIGATION:	SENATOR SAM SOLON CHUCK WESTIN DON JOHNSON
VIOLATION ALLEGED:	Unauthorized Use of State Phones
REPORTING INVESTIGATOR:	MUNSON
ASSIGNED ATTORNEY:	SPENCER
NATURE OF REPORT:	INTERVIEW/SUMMARY
SOURCE:	RONALD BAKER LIMOSETH 5974 Elde Road Cotton, MN 55724 Phone: (218) 482-3309 DOB: 1/8/34
INFORMATION ACQUIRED BY:	Personal Knowledge
STATUS:	Active
DISSEMINATION:	Limited

REPORT SYNOPSIS

On May 14, 1983, I interviewed Ron Limoseth at the Holiday Inn in Duluth. Limoseth was interviewed regarding phone calls placed from his winter residence in Pompano Beach, Florida that were charged to Senator Sam Solon's access code.

BACKGROUND

1. Limoseth retired from the Duluth Fire Department four years ago after a 28-year career.

2. Limoseth has been Senator Solon's campaign manager for more than 20 years.
3. Limoseth said his position as campaign manager for Senator Solon is an unpaid volunteer position. Limoseth said he has occasionally been reimbursed for expenses.
4. Limoseth believes he has had use of Senator Solon's long distance access code for approximately ten years.

USE OF SENATOR SOLON'S ACCESS CODE

Limoseth said that Senator Solon gave his long distance access the number with the understanding it was to be used for legislative business. Limoseth said he has used Senator Solon's access code strictly for legislative purposes, which would include calls he made from his Pompano Beach, Florida residence.

Limoseth estimates he has received three different access code numbers from Senator Solon during the past ten years. Limoseth said he did not use the access code for campaign related activities such as polling and fund raising.

As part of his volunteer work for Senator Solon, Limoseth said he picks up Solon's mail, and messages from his answering machine when Solon is in St. Paul for legislative business. Some of the mail and messages relate to constituent requests and legislative business. Limoseth said he relays the requests to Senator Solon by using Senator Solon's access code. Limoseth said most of the calls are made during the legislative session.

Limoseth said he lives in Pompano Beach, Florida from mid-November through the end of April. This past year, Limoseth said he arrived in Florida on November 15, 1992 and returned to Minnesota on April 30, 1993. Limoseth said he used Senator Solon's access code on a limited basis from Pompano Beach. Limoseth believes that most of the calls he made related to legislation involving the Duluth Fire Department retirement fund. Specifically, Limoseth said the Fire Department was seeking legislation to convert their pension plan to PERA. Limoseth also recalls placing calls to Solon's office regarding a health insurance bill Solon was sponsoring.

CALLS MADE BY CONSTANCE LIMOSETH

I then showed Limoseth a summary of calls made from his Pompano Beach residence which were charged to Senator Solon's access code. The printout included calls made in January, March and April, 1993. Limoseth seemed surprised at the number of calls and his first reaction was that his wife, Constance Limoseth, made most of the calls. Limoseth looked at some of the dates, times, number of calls and said it appeared many of the calls were made when he was not at home. Limoseth said he could not identify with certainty which calls he made unless the number called was available. Limoseth said he had no knowledge his wife was using Senator Solon's access code to make personal calls until his first contact with our office. Since learning of the "phonegate controversy," Limoseth said he and his wife have discussed calls she placed using Senator Solon's access code. Limoseth said his wife felt she wasn't doing anything wrong. Limoseth said he accepts full responsibility for all calls made from their Pompano Beach home, including those placed by his wife. Limoseth reasoned that

Investigative Report - Senator Sam Solon

Re: Ronald Baker Limoseth

May 20, 1993

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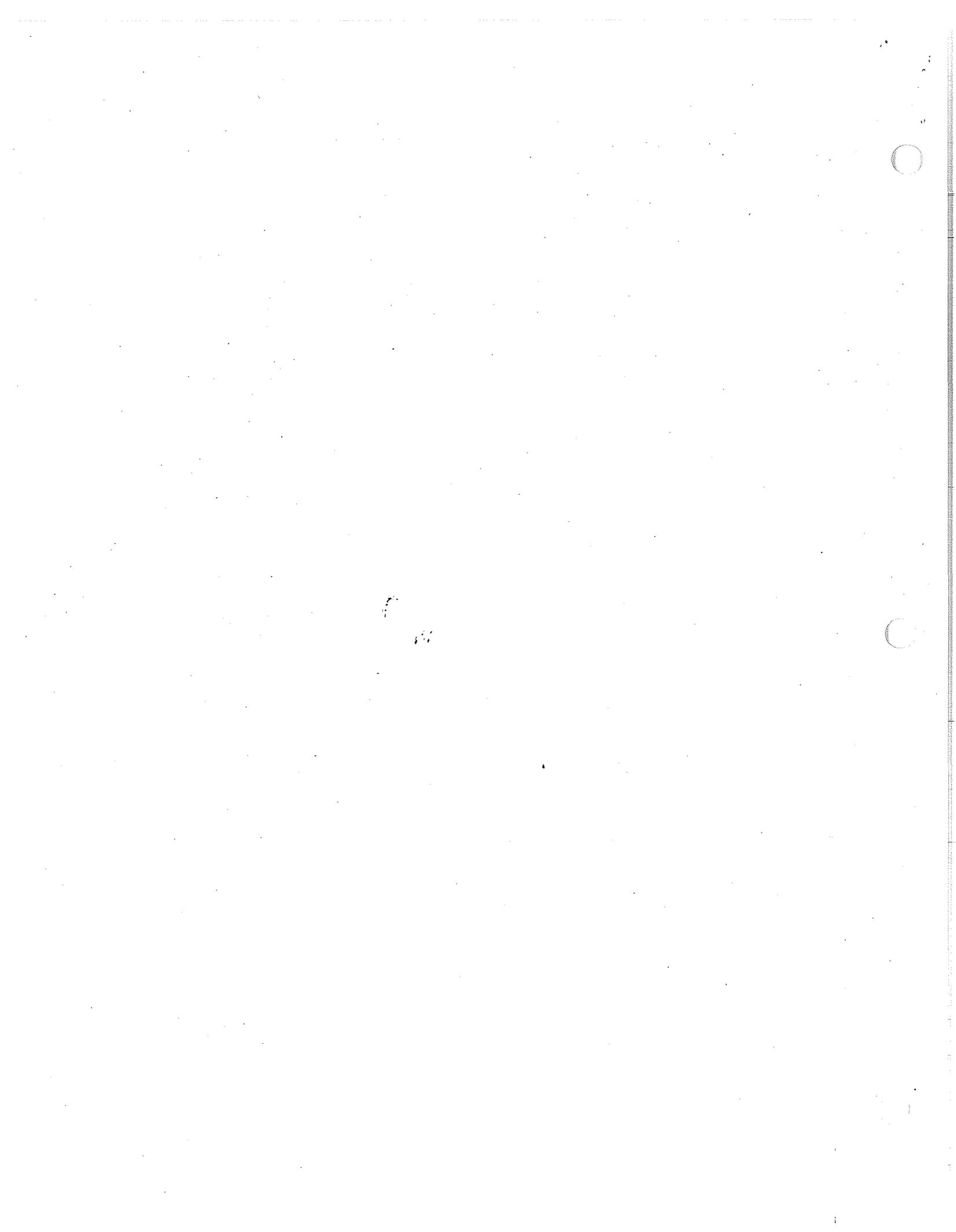
he could have prevented his wife's calls by not having the number available to her. Limoseth showed the reporting investigator a red personal phone directory which had Senator Solon's access number listed. Limoseth said that is where his wife would have found Solon's number.

Limoseth said in past years he had to ask his wife to limit making long distance calls from Florida because she was running up exorbitant bills calling her family. Limoseth believed the problem had been resolved.

Limoseth said he learned about phonegate in late March/early April when he placed a call to Senator Solon's office using Senator Solon's number, and it didn't work. Limoseth said after the access number failed, he called Solon direct at which time he was apprised of potential problems regarding Senator Solon's phone.

Limoseth said he was unaware there was a cost to the State for using the WATS line. Limoseth believed the State paid a flat fee for the WATS line and there were no additional charges regardless of the number of calls made. Limoseth could not pinpoint how he arrived at the "flat fee" understanding, but reasoned it most likely to have been from Senator Solon.

Limoseth said he has no knowledge of Stony Point Investment Corporation.



INVESTIGATIVE REPORT

OFFICE OF ATTORNEY GENERAL
HUBERT H. HUMPHREY III

Criminal Division
Docket Number: 35.122X.0262

Law Enforcement Section
1400 NCL Tower
St. Paul, MN 55155

Date: June 16, 1993

SUBJECT OF INVESTIGATION:	SENATOR SAM SOLON CHUCK WESTIN DON JOHNSON RON AND CONSTANCE LIMOSETH
VIOLATION ALLEGED:	Unauthorized Use of State Phones
REPORTING INVESTIGATOR:	MUNSON
ASSIGNED ATTORNEY:	SPENCER
NATURE OF REPORT:	INTERVIEW/SUMMARY
SOURCE:	CONSTANCE MURIELLE LIMOSETH 5974 Elde Road Cotton, MN 55724 Phone: (218) 482-3309 DOB: 11/19/38
INFORMATION ACQUIRED BY:	Personal Knowledge
STATUS:	Active
DISSEMINATION:	Limited

REPORT SYNOPSIS

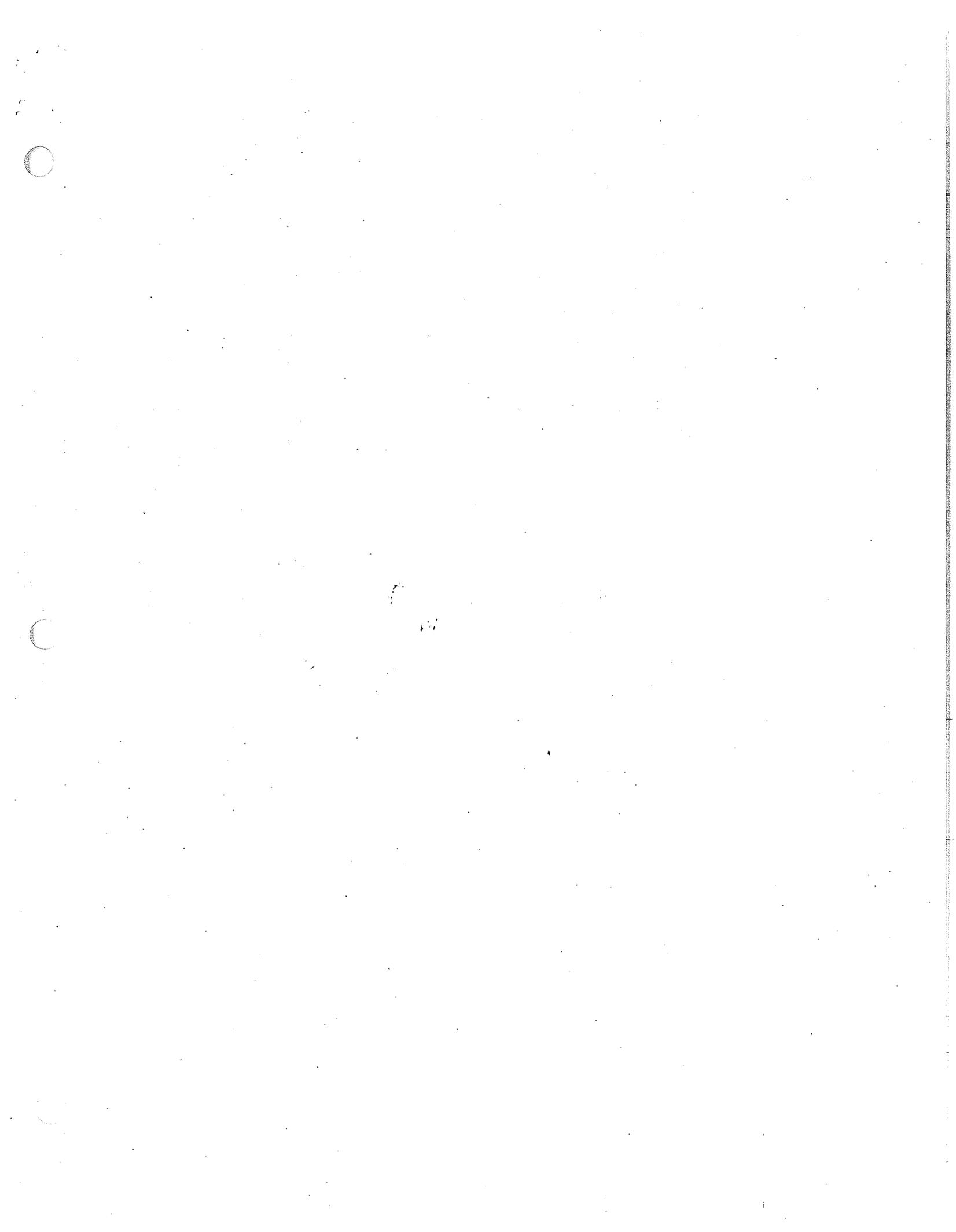
On May 27 and June 11, 1993, I interviewed Constance Limoseth regarding calls charged to Senator Solon's access number, which originated from Limoseth's winter home in Pompano Beach, Florida. Ms. Limoseth is the wife of Ron Limoseth, Senator Solon's long-time campaign manager.

**Investigative Report - Senator Sam Solon, Chuck Westin,
Don Johnson, Ron and Constance Limoseth
Re: Interviews of Constance Murielle Limoseth
June 16, 1993
Page 2**

Ms. Limoseth admitted using Senator Solon's access number to place personal calls from Pompano Beach, Florida to family members residing in Lewiston, Maine, Hawthorne and North Hollywood, California. Ms. Limoseth said she has four sisters, one brother and her parents living in Lewiston, Maine and one brother and one sister residing in California. Ms. Limoseth also believes she may have used Solon's access number to call friends in Duluth while she was in Florida.

Ms. Limoseth said it was her belief that Senator Solon's number was his personal number for which he paid a flat fee. Continuing, Ms. Limoseth said she did not realize the number was issued to Senator Solon by the State of Minnesota. Ms. Limoseth said she never would have used Solon's number had she known the state was being billed for the calls. Limoseth said she did not tell her husband Ron or Senator Solon that she was using Solon's phone number because she did not think there would be any problems associated with its use.

Ms. Limoseth said this past winter her sister was critically ill and she estimates calling her family in Maine and California three to four times per week. She said that when her sister was hospitalized (two to three weeks), calls were made every day. Ms. Limoseth said she also used Senator Solon's long distance number during the winter of 1991-1992. Limoseth said most of the calls related to concerns about her father who was very ill. Ms. Limoseth said she has not talked to Senator Solon regarding her use of his phone number.



MISCELLANEOUS CALLS FROM SOLON'S OFFICE

<u>LOCATION</u>	<u>NUMBER</u>	<u>TOTAL CALLS</u>	<u>TOTAL COST</u>
Ventura East, California	805-650-7382	80	\$195.43
Durham, North Carolina	919-544-1602	55	\$123.40
Bismarck, North Dakota	701-223-3318	38	\$ 80.37
Tucson, Arizona	602-742-5932	21	\$ 74.49
Fort Worth, Texas	817-878-2044	36	\$69.06
Cambridge, Massachusetts	617-491-7016	73	\$ 65.14
Scottsdale, Arizona	602-998-9159	23	\$ 27.50
Astoria, Oregon	503-325-7315	15	\$ 24.90
San Diego, California	619-234-4472	22	\$ 16.89
Irving, Texas	214-721-8315	11	\$ 15.97
Washington, D.C.	202-225-6211	18	\$ 8.45
Des Moines, Iowa	515-266-6277	11	\$ 5.85
Washington, D.C.	202-543-8505	9	\$ 4.04

