Representative Elaine Harder, Chair of the Ethics Committee, reconvened the executive session at 8:09 a.m. on Friday, March 24, 2000, in Room 10 of the State Office Building.

The Clerk noted the roll.

Members present:

HARDER, Elaine, Chair  RHODES, Jim, Alternate
MILBERT, Bob, Co Chair  WAGENIUS, Jean, Alternate
DAVIDS, Greg
MURPHY, Mary

Members excused:

A quorum was present.

Rep. Harder adjourned the executive session at 8:10 a.m.

Rep. Harder called the fourth meeting of the Ethics committee at 8:11 a.m.

Rep. Milbert moved approval of the minutes from 3/20/00 - 3/21/00.

Rep. Davids moved to amend minutes as follows:

Pg 2, Ln 3, Delete "David's", insert "Davids'".

THE MOTION PREVAILED. The minutes are adopted as amended.


Rep. Harder and Milbert moved DMETHICS2. THE MOTION PREVAILED.


Rep Harder moved adoption of Committee Report. THE MOTION PREVAILED. The Committee Report is adopted.


The meeting was adjourned at 8:24 a.m.

[Signature]

REP. ELAINE HARDER, CHAIR

Sarah Berkowitz
Committee Legislative Assistant
HOUSE COMMITTEE TAPE LOG

COMMITTEE: Ethics

START TIME: 8:00

DIVISION/SUBC: 

CHAIR: Rep. Harder

DATE: 3/24/00

PAGE: 1

REVOLUTIONS:

00 00 00.00
01 00 01.00
02 00 02.00
04 45 04.45
05 63 05.63
06 35 06.35
06 50 06.50
06 55 06.55
07 00 07.00
08 24 08.24
09 50 09.50
09 55 09.55
10 05 10.05
10 30 10.30
11 08 11.08
11 22 11.22

LOG:

Call to Order

approval of minutes

consideration of Rosberg complaint

Rep. Paulsen

" Entenza

" Harder

motion moved to lay over Rosberg complaint to await criminal proceedings

motion approved

Lindner complaint

Rep. Harder

reading of findings of Ethics committee Rep. Harder

findings moved

finding approved

Rep. Entenza

" Lindner

" Harder

adjournment
March 7, 2000

Rep. Elaine Harder
Chair, Ethics Committee
487 State Office Building
100 Constitution Avenue
St. Paul, MN 55155

Dear Rep. Harder:

A complaint regarding the conduct of Rep. Jim Rostberg was submitted to my office yesterday, March 6, 2000. Pursuant to House Rule 6.10, I am referring the complaint to you as chair of the Ethics Committee for processing by the committee according to its rules of procedure.

Your charge is to investigate probable cause and make recommendations concerning possible disciplinary action. I have every confidence that you and the members of your committee will discharge your duties with regard to timely disposition of this complaint.

Sincerely,

Steve Sviggum
Speaker of the House
March 6, 2000

Speaker Steve Sviggum
State Office Building
100 Constitution Ave.
St. Paul, MN 55155

Dear Speaker Sviggum:

By this letter, and pursuant to Permanent Rules of the House 6.10, we are formally requesting the House Committee on Ethics convene for the purpose of investigating the following conduct of Representative Jim Rostberg.

1.) On Thursday, March 2, 2000, Rep. Rostberg was arrested in the State Capitol by Anoka County Sheriff deputies for suspicion of criminal sexual conduct.

2.) On Friday, March 3, 2000, Rep. Rostberg was charged with one count of felony criminal sexual conduct in the first degree and two counts of felony criminal sexual conduct in the second degree.

We swear the statements here to be true, to the best of our knowledge, so help us God.

We submit as evidence to support this complaint, the criminal Complaint filed in Isanti County on March 3, 2000. References to information which would identify the alleged victim have been blacked out. We will forward an unredacted version to you upon request. Also, a signed copy of the Complaint will be forwarded as soon as it becomes available.

Sincerely,

Representative Tim Pawlenty

Representative Matt Entenza

CC: Representative Jim Rostberg
The Complainant, being duly sworn, makes Complaint to the above-named Court and states that there is probable cause to believe that the defendant committed the following offense(s). The Complainant states that the following facts establish PROBABLE CAUSE:

Your complainant, Rob Bredsten, is an Investigator with the Anoka County Sheriff's Department acting as a specially assigned conflict investigator for the Isanti County Sheriff's Department in the above-referenced matter. In that capacity, he has had the opportunity to review the investigative reports prepared by himself, Isanti County Chief Deputy Sheriff Michael Lewis, as well as transcriptions of several interviews taken by Anoka County Sheriff's Department Investigator Paul Sommer with several juveniles, including the juvenile female complainant, [redacted] and a transcription of a telephone interview between Investigator Sommer and the defendant's wife, Kathy Rostberg. From these documents, your complainant has learned the following facts, which are true and correct to the best of his knowledge and belief.

On March 2, 2000, Investigator Rob Bredsten of the Anoka County Sheriff's Department, along with Investigator Paul Sommer of the Anoka County Sheriff's Department, were assigned by Anoka County Sheriff's Department Captain Len Christ to investigate a criminal sexual conduct complaint regarding the juvenile female [redacted]. The juvenile female [redacted], had disclosed that she had been sexually assaulted [redacted], identified as James Ivar Rostberg. The incident was reported to the Isanti County Sheriff's Department which is the jurisdiction of where the conduct took place, but due to James Ivar Rostberg being an employee of the County of Isanti, the Isanti County Sheriff's Department requested the Anoka County Sheriff's Department to investigate the case as special investigators due to a potential conflict. Captain Christ informed Investigators Sommer and Bredsten that the juvenile female [redacted], had apparently sent an e-mail to friends this past weekend indicating that she had been suffering from anorexia because someone close to her had sexually abused her. The juvenile female [redacted], then reported to some friends that the person who sexually...
abused her was [redacted]. Captain Christ requested that Investigators Bredsten and Sommer, along with Lt. Dave King, respond to the Isanti County Sheriff's Department to meet with Chief Deputy Isanti County Sheriff Michael Lewis for more information.

On the morning of March 2, 2000, Investigators Sommer, Bredsten and Lt. King met with Chief Deputy Lewis who provided a copy of the report he had written regarding the matter, along with copies of the e-mails that were sent by the juvenile female to her friends. Chief Deputy Lewis informed Investigators Bredsten, Sommer and Lt. King that he had learned that on February 26, 2000, the juvenile female disclosed at a function of St. Elizabeth's Catholic Church in Isanti, that it was [redacted] James Rostberg, who had touched her. Chief Deputy Lewis provided information that the juvenile female had disclosed the information to other people as well. After receiving this information, it was determined that Investigator Sommer would respond to the Isanti Middle School to interview the juvenile female.

Investigator Sommer met with the juvenile female at the Isanti Middle School who stated that the juvenile female disclosed to him that she had been sexually touched by [redacted] James Ivar Rostberg, several times in the past. The juvenile female stated that the first incident occurred when she was in third grade, [redacted] The juvenile female stated that when she was in the third grade, [redacted] James Ivar Rostberg, touched her on the vaginal area over her clothing. She reported to Investigator Sommer there were several other incidents after that, with the last incident occurring approximately one year ago, during the 1998-1999 school year. In the final incident that occurred last year, [redacted] during the 1998-1999 school year, the juvenile female told Investigator Sommer that [redacted] James Ivar Rostberg, put his hand up her shirt, then inside of her bra where he touched her on her breasts. The juvenile female stated that she confronted [redacted] about what had happened during the school year, and that [redacted] apologized for what he had done. Investigator Sommer learned of several other students at the Isanti Middle School to whom the juvenile female had testified that happened, and statements were taken.
by Investigators Bredsten and Sommer of these several juveniles.

In a statement with a juvenile male, Investigator Bredsten learned that the juvenile female told this juvenile male, approximately two months ago, that she had been sexually touched and that began touching her when she was approximately six years old, and touching her approximately once a year up until she was in the seventh grade. According to this juvenile male, the juvenile female disclosed that touched her on her breasts and vaginal area with his hands, and that the juvenile female talked to about what had happened, and that he said he was sorry, and not to tell anyone. She also indicated to this juvenile male that she was afraid of because he might try to touch her again. This juvenile male stated that he encouraged the juvenile female to report to someone what was happening, and she then e-mailed friends about what happened.

Investigator Sommer also conducted interviews at the Isanti Middle School speaking to three friends of the juvenile female who all corroborated the information that had been previously given to Investigator Sommer by the juvenile female.

On March 2, 2000, at approximately 1:45 p.m., a telephone call took place between Investigator Sommer and Kathy Rostberg, the wife of James Ivar Rostberg. During this telephone conversation, Investigator Sommer asked Kathy Rostberg if she was aware of the statements made by to which Kathy Rostberg responded yes. When asked when she became aware of them by Investigator Sommer, Kathy Rostberg stated they talked about it a couple of months ago, and they confronted her husband about it. She stated they talked about it, and it just wasn't any big deal at the time, and she did not know how badly it was affecting until the whole situation had been explained to her just now. Kathy Rostberg stated that the juvenile female told her a couple of months ago that her husband, referring to James Ivar Rostberg, the husband of Kathy Rostberg, had touched the breasts of the juvenile female. Kathy Rostberg stated she never told James Ivar Rostberg about that, and when she asked
him about it, he didn't deny it, and said, "he didn't, he felt bad, it was just stupid, but it just happened." Kathy Rostberg also stated that James Ivar Rostberg apologized to the juvenile female, about the incident which occurred at the Rostberg home in the County of Isanti, State of Minnesota.

James Ivar Rostberg's date of birth is May 28, 1956. The juvenile female's date of birth was under thirteen years of age when the incidents took place from approximately January 1, 1994, through June 30, 1999. James Ivar Rostberg also has a significant relationship to the juvenile female in that he and based upon the time period of January 1, 1994, through June 30, 1999, the sexual abuse involved multiple acts committed over this extended period of time.

The above incident occurred within the County of Isanti, State of Minnesota.

--------- CHARGE(S) ---------

Count : 1
Charge : Felony Criminal Sexual Conduct in the First Degree.
In Violation Of: 609.342 Subd. 1(a) and Subd. 2.
Maximum Penalty: A $40,000 fine or 30 years imprisonment, or both.

Between January 1, 1994, and June 30, 1999, the above-named defendant, within the County of Isanti, did engage in sexual contact with a person under 13 years of age with the defendant being more than 36 months older than the complainant.

Count : 2
Charge : Felony Criminal Sexual Conduct in the Second Degree.
In Violation Of: 609.343 Subd. 1(a)
Maximum Penalty: A $35,000 fine, or 25 years imprisonment, or both.

Between January 1, 1994 through June 30, 1999, the above-named defendant, within the County of Isanti, did engage in sexual contact with another person who was under the age of 13 years with the defendant being more than 36 months older than the complainant.
<table>
<thead>
<tr>
<th>SJIS COMPLAINT NUMBER(S)</th>
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<tbody>
<tr>
<td>30-11-5-005486</td>
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<tr>
<th>COUNT</th>
<th>CHARGE</th>
<th>MAXIMUM PENALTY</th>
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<td>Felony Criminal Sexual Conduct in the Second Degree</td>
<td>A $35,000.00 fine, 25 years imprisonment, or both.</td>
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</tbody>
</table>

On or about January 1, 1994 through June 30, 1999, within the County of Isanti, the above-named defendant did engage in sexual contact with another person while having a significant relationship to the complainant who was under 16 years of age at the time of the sexual contact, and the sexual abuse involved multiple acts committed over an extended period of time.

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

COMPLAINANT'S NAME:
Anoka Investigator Rob Bredsten

COMPLAINANT'S SIGNATURE:

DATE: 03/03/2000

PROSECUTING ATTORNEY:

PROSECUTING ATTORNEY'S SIGNATURE:

ADDRESS/TELEPHONE:
555 18th Ave. SW Cambridge, MN 55008 612/689-2253
FINDING OF PROBABLE CAUSE

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

☐ THEREFORE, You, THE ABOVE-NAMED DEFENDANT(S), ARE HERE BY SUMMONED to appear on the day of , 19 at before the above-named court to answer this complaint.

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

☐ EXECUTE ONLY IN MINNESOTA

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

ORDER OF DETENTION

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

The above matter is scheduled for

- Rule 8 Hearing
- Omnibus Hearing
- Court Trial
- Sentencing
- Revocation Hearing

(All hearings are allotted no more than 10 minutes each unless the court is otherwise notified)

Day/Date: March 9, 2000

The Defendant shall be released upon

- Posting a Bond or cash in the amount of $25,000
- Defendant's own recognizance
- All past conditions previously set by the Court

The Defendant shall remain law-abiding, reappear for all court hearings and subject to the following:

- The Defendant shall have no contact, direct or indirect, with Victim if family
- The Defendant shall keep in contact with attorney
- Private attorney hired: Name and address
- Public defender appointed: Name and address
- Defender must follow directions from probation officer
- The Defendant's registration plates are hereby impounded
- The Defendant shall abate from consumption of alcohol and controlled substances and shall submit to random, weekly alcohol tests or formal analysis
- Sheriff's Office as requested by any peace officer, probation officer or prosecutor

IN DOMESTIC ASSAULT CASES THE FOLLOWING SHALL ALSO APPLY:

- The Defendant is excluded from the residence at
- The Defendant may obtain personal possessions if accompanied by a law enforcement officer
- Other:

Dated: 3/7/00

Judge of District Court

My signature acknowledges that I have read the foregoing and understand the terms and conditions of the Court Order. I understand that a violation of this Order is a contempt of Court and will be cause for arrest and/or forfeiture of bail, and may also constitute a criminal offense pursuant to M.S. 609.49.

Dated: 3/7/00

Defendant's Signature

NOTICE TO ALLEGED VICTIM

Pursuant to M.S. 629.72, subd. 6, and M.S. 629.73, subd. 1, you have a right to be present at all hearings if you desire. The next hearing date, time and location is listed above. The location and telephone number of the battered women's program is

The location and telephone number of the sexual assault program is

TO BE COMPLETED BY JAIL:

Alleged victim notified by phone? Yes at __________

Number of attempts for notification of victim: __________

Alleged victim notified by mail? Yes Date __________

DISTRIBUTION

White-Court File
Green-Copy for Sheriff
Yellow-Defense Attorney
Pink-Prosecutor
Goldendorf Defendant or Probation Office

Copy for alleged victim
Copy for local law enforcement
Other

Representative Jim Rostberg
545 S.O.B.
100 Constitution Ave.
St. Paul, MN 55155

Dear Representative Rostberg:

This letter is to confirm your availability and intent to attend the House Ethics Committee hearing, Friday, March 24, 2000, 8 to 9 a.m., room 10 State Office Building. The agenda will be to consider the ethics complaint filed by Representatives Pawlenty and Entenza. The agenda will be provided to you today.

I would appreciate your response to confirm that this arrangement is satisfactory. If you have any immediate questions, please do not hesitate to contact me. Thank you.

Sincerely,

Representative Elaine Harder
Chair, Ethics Committee
March 7, 2000

Rep. Elaine Harder
Chair, Ethics Committee
487 State Office Building
100 Constitution Avenue
St. Paul, MN 55155

Dear Rep. Harder:

A complaint regarding the conduct of Rep. Jim Rostberg was submitted to my office yesterday, March 6, 2000. Pursuant to House Rule 6.10, I am referring the complaint to you as chair of the Ethics Committee for processing by the committee according to its rules of procedure.

Your charge is to investigate probable cause and make recommendations concerning possible disciplinary action. I have every confidence that you and the members of your committee will discharge your duties with regard to timely disposition of this complaint.

Sincerely,

Steve Sviggum
Speaker of the House
March 6, 2000

Speaker Steve Sviggum
State Office Building
100 Constitution Ave.
St. Paul, MN 55155

Dear Speaker Sviggum:

By this letter, and pursuant to Permanent Rules of the House 6.10, we are formally requesting the House Committee on Ethics convene for the purpose of investigating the following conduct of Representative Jim Rostberg.

1.) On Thursday, March 2, 2000, Rep. Rostberg was arrested in the State Capitol by Anoka County Sheriff deputies for suspicion of criminal sexual conduct.

2.) On Friday, March 3, 2000, Rep. Rostberg was charged with one count of felony criminal sexual conduct in the first degree and two counts of felony criminal sexual conduct in the second degree.

We swear the statements here to be true, to the best of our knowledge, so help us God.

We submit as evidence to support this complaint, the criminal Complaint filed in Isanti County on March 3, 2000. References to information which would identify the alleged victim have been blacked out. We will forward an unredacted version to you upon request. Also, a signed copy of the Complaint will be forwarded as soon as it becomes available.

Sincerely,

Representative Tim Pawlenty

Representative Matt Entenza

CC: Representative Jim Rostberg
State of Minnesota
PLAINTIFF.

NAME: first, middle, last
James Ivar Rostberg
26450 Terrace Drive NE
Isanti, MN 55040

DEFENDANT.

Date of Birth
05/28/1956

SJIS COMPLAINT NUMBER
30-11-5-005486

COMPLAINT

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

Your complainant, Rob Bredsten, is an Investigator with the Anoka County Sheriff's Department acting as a specially assigned conflict investigator for the Isanti County Sheriff's Department in the above-referenced matter. In that capacity, he has had the opportunity to review the investigative reports prepared by himself, Isanti County Chief Deputy Sheriff Michael Lewis, as well as transcriptions of several interviews taken by Anoka County Sheriff's Department Investigator Paul Sommer with several juveniles, including the juvenile female complainant, and a transcription of a telephone interview between Investigator Sommer and the defendant's wife, Kathy Rostberg. From these documents, your complainant has learned the following facts, which are true and correct to the best of his knowledge and belief.

On March 2, 2000, Investigator Rob Bredsten of the Anoka County Sheriff's Department, along with Investigator Paul Sommer of the Anoka County Sheriff's Department, were assigned by Anoka County Sheriff's Department Captain Len Christ to investigate a criminal sexual conduct complaint regarding the juvenile female identified as James Ivar Rostberg. The incident was reported to the Isanti County Sheriff's Department which is the jurisdiction of where the conduct took place, but due to James Ivar Rostberg being an employee of the County of Isanti, the Isanti County Sheriff's Department requested the Anoka County Sheriff's Department investigate the case as special investigators due to a potential conflict. Captain Christ informed Investigators Sommer and Bredsten that the juvenile female, had disclosed that she had been sexually assaulted, identified as James Ivar Rostberg, had apparently sent an e-mail to friends this past weekend indicating that she had been suffering from anorexia because someone close to her had sexually abused her. The juvenile female, then reported to some friends that the person who sexually
abused her was ___. Captain Christ requested that Investigators Bredsten and Sommer, along with Lt. Dave King, respond to the Isanti County Sheriff's Department to meet with Chief Deputy Isanti County Sheriff Michael Lewis for more information.

On the morning of March 2, 2000, Investigators Sommer, Bredsten and Lt. King met with Chief Deputy Lewis who provided a copy of the report he had written regarding the matter, along with copies of the e-mails that were sent by the juvenile female to her friends. Chief Deputy Lewis informed Investigators Bredsten, Sommer and Lt. King that he had learned that on February 26, 2000, the juvenile female disclosed at a function of St. Elizabeth's Catholic Church in Isanti, that it was ___ James Rostberg, who had touched her. Chief Deputy Lewis provided information that the juvenile female had disclosed the information to other people as well. After receiving this information, it was determined that Investigator Sommer would respond to the Isanti Middle School to interview the juvenile female. Investigator Sommer met with the juvenile female at the Isanti Middle School who stated that the juvenile female disclosed to him that she had been sexually touched by James Ivar Rostberg, several times in the past. The juvenile female stated that the first incident occurred when she was in third grade, ___. The juvenile female stated that when she was in the third grade, James Ivar Rostberg, touched her on the vaginal area over her clothing. She reported to Investigator Sommer there were several other incidents after that, with the last incident occurring approximately one year ago, during the 1998-1999 school year. In the final incident that occurred last year, ___, during the 1998-1999 school year, the juvenile female told Investigator Sommer that James Ivar Rostberg, put his hand up her shirt, then inside of her bra where he touched her on her breasts. The juvenile female stated that she confronted ___ about what had happened during the school year, and that ___ apologized for what he had done. Investigator Sommer learned of several other students at the Isanti Middle School to whom the juvenile female had disclosed what happened, and statements were taken.
by Investigators Bredsten and Sommer of these several juveniles.

In a statement with a juvenile male, Investigator Bredsten learned that the juvenile female told this juvenile male, approximately two months ago, that she had been sexually touched and that she began touching her when she was approximately six years old, and touching her approximately once a year up until she was in the seventh grade. According to this juvenile male, the juvenile female disclosed that he touched her on her breasts and vaginal area with his hands, and that the juvenile female talked to him about what had happened, and that he said he was sorry, and not to tell anyone. She also indicated to this juvenile male that she was afraid of because he might try to touch her again. This juvenile male stated that he encouraged the juvenile female to report to someone what was happening, and she then e-mailed friends about what happened.

Investigator Sommer also conducted interviews at the Isanti Middle School speaking to three friends of the juvenile female who all corroborated the information that had been previously given to Investigator Sommer by the juvenile female.

On March 2, 2000, at approximately 1:45 p.m., a telephone call took place between Investigator Sommer and Kathy Rostberg, the wife of James Ivar Rostberg. During this telephone conversation, Investigator Sommer asked Kathy Rostberg if she was aware of the statements made by to which Kathy Rostberg responded yes. When asked when she became aware of them by Investigator Sommer, Kathy Rostberg stated they talked about it a couple of months ago, and they confronted her husband about it. She stated they talked about it, and it just wasn't any big deal at the time, and she did not know how badly it was affecting just now. Kathy Rostberg stated that the juvenile female told her a couple of months ago that her husband, referring to James Ivar Rostberg, the husband of Kathy Rostberg, had touched the breasts of the juvenile female. Kathy Rostberg stated to not mention James Ivar Rostberg about that, and when she asked
him about it, he didn’t deny it, and said, "he didn’t, he felt bad, it was just stupid, but it just happened." Kathy Rostberg also stated that James Ivar Rostberg apologized to the juvenile female, about the incident which occurred at the Rostberg home in the County of Isanti, State of Minnesota.

James Ivar Rostberg’s date of birth is May 28, 1956. The juvenile female’s date of birth and was under thirteen years of age when the incidents took place from approximately January 1, 1994, through June 30, 1999. James Ivar Rostberg also has a significant relationship to the juvenile female in that he and based upon the time period of January 1, 1994, through June 30, 1999, the sexual abuse involved multiple acts committed over this extended period of time.

The above incident occurred within the County of Isanti, State of Minnesota.

---------- CHARGE(S) ----------

Count : 1
Charge : Felony Criminal Sexual Conduct in the First Degree.
In Violation Of: 609.342 Subd. 1(a) and Subd. 2.
Maximum Penalty: A $40,000 fine or 30 years imprisonment, or both.

Between January 1, 1994, and June 30, 1999, the above-named defendant, within the County of Isanti, did engage in sexual contact with a person under 13 years of age with the defendant being more than 36 months older than the complainant.

Count : 2
Charge : Felony Criminal Sexual Conduct in the Second Degree.
In Violation Of: 609.343 Subd. 1(a)
Maximum Penalty: A $35,000 fine, or 25 years imprisonment, or both.

Between January 1, 1994 through June 30, 1999, the above-named defendant, within the County of Isanti, did engage in sexual contact with another person who was under the age of 13 years with the defendant being more than 36 months older than the complainant.
Count: 3
Charge: Felony Criminal Sexual Conduct in the Second Degree.
In Violation Of: 609.343 Subd. 1(h) (iii)
Maximum Penalty: A $35,000.00 fine, 25 years imprisonment, or both.

On or about January 1, 1994 through June 30, 1999, within the County of Isanti, the above-named defendant did engage in sexual contact with another person while having a significant relationship to the complainant who was under 16 years of age at the time of the sexual contact, and the sexual abuse involved multiple acts committed over an extended period of time.

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

COMPLAINANT'S NAME:
Anoka Investigator Rob Bredsten

COMPLAINANT'S SIGNATURE:

DATE: 03/03/2000

PROSECUTING ATTORNEY:

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

PROSECUTING ATTORNEY'S SIGNATURE:

ADDRESS/TELEPHONE:
455 - 18th Ave. SW, Cambridge, MN 55008 (612)689-2253
**FINDING OF PROBABLE CAUSE**

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

**SUMMONS**

☐ THEREFORE, You, THE ABOVE-NAMED DEFENDANT(S), ARE HERE BY SUMMONED to appear on the day of to answer this complaint.

**WARRANT**

☐ EXECUTE ONLY IN MINNESOTA

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

**ORDER OF DETENTION**

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

Bail:

Conditions of Release:

This Complaint - Order of Detention duly subscribed and sworn to, is issued by the undersigned Judicial Officer this day of .

**STATE OF MINNESOTA**

STATE OF MINNESOTA

County of

Isanti

**State of Minnesota**

Plaintiff.

vs.

James Ivar Rostberg

Defendant(s).

RETURN OF SERVICE

I hereby Certify and Return that I have served a copy of this COMPLAINT-Order of Detention upon the Defendant(s) herein-named.

Signature of Authorized Agent:
STATE OF MINNESOTA
COUNTY OF ISANTI
State of Minnesota -vs- JAMES ROBERT
TB ERG
DISTRICT COURT
File No. K9-00-304

NOTICE OF NEXT COURT APPEARANCE AND RELEASE ORDER

The above matter is scheduled for:
☐ Rule 8 Hearing
☐ Omnibus Hearing
☐ Domestic Assault
☐ Omnibus (Contested)
☐ Court Trial
☐ Pre-In
☐ Sentencing
☐ Jury Trial
☐ Other
(All hearings are allotted no more than 10 minutes each unless the court is otherwise notified.)

Day/Date: MARCH 8, 2000

THE DEFENDANT SHALL BE RELEASED UPON

Posting a Bond or cash in the amount of $25,000 in full satisfaction of
☐ Defendant's own recognizance with a promise to appear for all future court appearances.
☐ All past conditions previously set by the Court.

THE DEFENDANT SHALL REMAIN LAW-ABIDING, REAPPEAR FOR ALL COURT HEARINGS AND SUBJECT TO THE FOLLOWING:

☐ The Defendant shall not possess or consume alcoholic beverages or any mood altering drugs not prescribed by a licensed physician.
☐ The Defendant shall not leave the state of Minnesota without prior approval of the Court.
☐ The Defendant shall have no contact, direct or indirect with Victim or family
This includes personal and telephone contact, letters or notes and/or third party contact.
☐ The Defendant shall keep in contact with attorney
☐ Private attorney hired. Name and address:
☐ Public defender appointed. Name and address:
Other:
☐ Defendant's registration plates are hereby impounded.
☐ Defendant shall abstain from consumption of alcohol and controlled substances and shall submit to random, weekly alcohol tests or urine analysis performed by Sheriff's Office as requested by any peace officer, probation officer or prosecutor.

IN DOMESTIC ASSAULT CASES THE FOLLOWING SHALL ALSO APPLY:

☐ The Defendant is excluded from the residence at
☐ may obtain personal possessions if accompanied by a law enforcement officer
☐ The Defendant shall keep a copy of this Release Order on his/her person.
☐ Other:

Dated: 3/3/00

Judge of District Court,

MY SIGNATURE ACKNOWLEDGES THAT I HAVE READ THE FOREGOING AND UNDERSTAND THE TERMS AND CONDITIONS OF THE COURT ORDER. I UNDERSTAND THAT A VIOLATION OF THIS ORDER IS A CONTEMPT OF COURT AND WILL BE CAUSE FOR ARREST AND/OR FORFEITURE OF BAIL, AND MAY ALSO CONSTITUTE A CRIMINAL OFFENSE PURSUANT TO M.S. 609.49.

Dated: 3/3/00

Defendant's Signature

NOTICE TO ALLEGED VICTIM

Pursuant to M.S. 629.72, subd. 6, and M.S. 629.73, subd. 1, you have a right to be present at all hearings if you desire. The next hearing date, time and location is listed above. The location and telephone number of the battered women's program is:

TO BE COMPLETED BY JAIL:

Alleged victim notified by phone? ☐ No ☐ Yes, at ____________m
Number of attempts for notification of victim ____________ Officer:
Alleged victim notified by mail? ☐ No ☐ Yes, Date: ____________

DISTRIBUTION

White-Court File Copy for alleged victim
Green-Copy for Sheriff
Yellow-Defense Attorney
Pink-Prosecutor
Goldenrod-Defendant or Probation Office

Copy for local law enforcement
Other

ICC-137 PRESTO PRINT, CAMBRIDGE
Harder moves pursuant to Rule 6 of the Rules of Procedure for the House Committee on Ethics that proceedings on the ethics complaint received by the committee on March 6, 2000, against Representative Jim Rostberg be deferred until the completion of ongoing criminal proceedings related to the conduct named in the ethics complaint.
The count was dismissed; the case moved to juvenile court as he admitted to “elements” of the charge.

Sex charge against legislator resolved

By David Chanen and Bill McAuliffe
Star Tribune Staff Writers

The single remaining criminal sexual conduct charge against state Rep. Jim Rostberg, R-Isanti, was dismissed Friday, and the case has been resolved in juvenile court.

Rostberg had to admit to the “elements” of the charge under the arrangement, but because juvenile court proceedings are closed, specific pleas or penalties will not be made public.

Rostberg, 44, was charged in March with three counts of criminal sexual conduct alleging that he had fondled a juvenile girl’s genitals and breasts several years ago. One of the counts alleged first-degree criminal sexual conduct. The other two counts alleged second-degree criminal sexual conduct. All three counts are felonies.

Rostberg was arrested at the Capitol. The charges were later scaled back to a single count of second-degree criminal sexual conduct.

ROSTBERG continues on A16:
— The dismissal motion says that the victim requested the move to juvenile court.

ROSTBERG from A1
Prosecutor says she sought to avoid publicity about case

The single count alleged that he had reached under the girl’s shirt and fondled her breasts.

Rostberg, Isanti County’s veterans’ service officer and emergency services director, is not seeking to run for a fourth term.

The dismissal motion, granted by District Judge James Clifford, stipulated that the criminal charge would be dismissed only after Rostberg “has made a full admission in juvenile court of the elements of the charged offense, has been adjudicated in that forum, and has agreed to abide by the disposition of that court.”

Assistant Stearns County Attorney Mary Yunker, who prosecuted the case, said she sought the move to avoid publicity about the case.

“As the matter developed, it became crystal clear to me that it was in the best interest of the victim to get her out of the limelight and get this into juvenile court,” Yunker said.

The dismissal motion says that the victim requested the move to juvenile court.

Yunker said moving the proceedings to juvenile court would allow the victim to start the healing process. She said Rostberg was appropriately charged.

Regarding the requirement that Rostberg admit to the elements of the charged offense, Yunker reiterated that he was charged with having sexual contact with a person under 13. She said the juvenile court did accept his admission.

Yunker said it isn’t routine to move criminal proceedings from adult to juvenile court. But she said it wasn’t unusual in this case because of its high profile, due to Rostberg’s status as a legislator.

“When you have cases involving very young, very vulnerable victims, you always factor in the effects of what court procedure is chosen to pursue,” she said.

Rostberg, reached at his home Friday afternoon, referred questions to his attorney, Douglas Sauter.

“I can say we’re happy and thankful the case is over,” Sauter said.

Sauter also declined to discuss specifics of the outcome, but stressed that there are not any guilty pleas in juvenile court as there are in criminal court.

Rostberg had faced a bipartisan ethics complaint in the House after his arrest, but that may now evaporate, House Majority Leader Tim Pawlenty, R-Eagan, said Friday.

The House Ethics Committee can act only when the House is in session, and Rostberg will not be a member when the Legislature reconvenes in January.

“I don’t know if we have any jurisdiction over a former member,” Pawlenty said.