

ETHICS COMPLAINT

Representative Paul Gardner

May 8, 2009

On Friday, May 8, 2009, the Honorable Paul Gardner, State Representative for Minnesota House District 53A, sent an electronic communication during floor debate on HF885 that violates the spirit and letter of Rule 6.10 of the Permanent House Rules. Rule 6.10 provides in pertinent part:

A complaint may be brought about conduct by a member that violates a rule or administrative policy of the House, that violates accepted norms of House behavior, that betrays the public trust, or that tends to bring the House into dishonor or disrepute.

During a spirited debate on whether or not to raise taxes in the State of Minnesota by almost a billion dollars, the Honorable Mark Buesgens, House District 35B, and the Honorable Tom Emmer, House District 19B, strongly debated for the Minority Party in opposition to the massive tax increases proposed by the Majority Party. Several members from the Majority Party similarly debated aggressively in support of the massive tax increase. Representative Gardner did not participate in the debate.

During the spirited debate by both parties, Representative Gardner was "twerking" on Twitter.com. Twitter is a form of instant electronic messaging. In his messaging contemporaneous with the debate, Representative Gardner suggested (in writing) that Representative Emmer was "belittling female colleagues" with "rage" and "sarcasm." Representative Gardner's "twerking" dishonestly suggested that his legislative colleague is harassing female colleagues.

During the spirited debate by both parties, Representative Gardner was "twerking" that Representative Buesgens was wearing sunglasses. Representative Gardner was clearly suggesting that Representative Buesgens had been involved in a violent physical confrontation.

Representative Gardner's communications were clearly designed to suggest that his colleagues are physically violent and prone to harassment of female members of the House of Representatives. Representative Gardner knew or, at the very least, should have known that his written comments were false and injurious to his ALL of his legislative colleagues.

Representative Gardner's communications violate the spirit and letter of the ethical rules of the Minnesota House of Representatives including but not necessarily limited to:

A State Representative * * * shall:

Respect the principles of representative democracy, by exemplifying good citizenship and High personal integrity, and by observing the letter and spirit of laws, and House Rules.

Promote the health of democracy - by fostering openness in government, full public understanding of government actions, and public participation in governmental processes.

Treat everyone with respect, fairness, and courtesy.

Exercise sound judgment.

Be respectful of the House of Representatives as a fundamental institution of civil government.

Use the power and facilities of the House of Representatives only to advance the common good.

Respect and maintain confidential information obtained as a public official or an officer or employee.

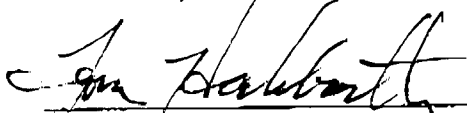
By knowingly publishing false and defamatory information about his legislative colleagues, Representative Gardner violated his ethical obligation to "[r]espect the principles of representative democracy" by failing to exemplify good citizenship and high personal integrity. More importantly, his false innuendo flies in the face of the letter and spirit of our laws regarding defamation and libel. One need not be a licensed lawyer to understand the damage that can be caused by knowingly making false statements directly impacting another's reputation in the community.

By publishing false and defamatory statements into the public square contemporaneous with an ongoing debate on a high profile and contentious issue, Representative Gardner failed to "[p]romote the health of democracy." His actions were intentionally designed to cast his legislative colleagues in a less than favorable light and to chill their participation in the debate. Certainly, when members are falsely being accused of sexual harassment and assault, they might refrain from voicing their opinions for fear of having to defend against false information and attacks on their character leveled in the Public Square during the debate.

There can be NO dispute that Representative Gardner's actions violate his ethical obligation to treat his legislative colleagues with "respect" and "fairness." Nor can he be said to have exercised "sound judgment" by publishing false statements to the public from the House floor.

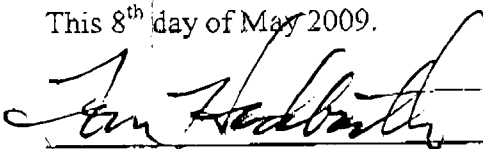
For these reasons and others, Petitioners respectfully request Representative Gardner be properly reprimanded and disciplined.

Subscribed and sworn to before me
This 8th day of May 2008.

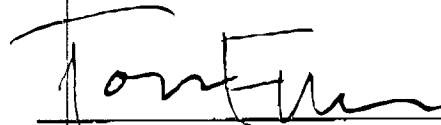


A.B., Representative Tom Hackbarth, Dist. 48A
Minnesota, ex officio notary public. My term expires
January 1, 2011.

Subscribed and sworn to before me
This 8th day of May 2009.



A.B., Representative Tom Hackbarth, Dist. 48A
Minnesota, ex officio notary public. My term expires
January 1, 2011



Honorable Tom Emmer, Dist. 19B



Honorable Mark Buesgens, Dist. 35B