

August 30, 2006

**COMPLAINT AND REQUEST
FOR INVESTIGATION**

Ms. Jeanne Olson
Campaign Finance and Public Disclosure Board
First Floor South, Centennial Building
658 Cedar Street
St. Paul, MN 55155-1603

Re: Complaint and Request for Investigation

Dear Ms. Olson:

This correspondence serves as the Representatives Kurt Zellers and Tom Emmer written complaint and request for investigation pursuant to Minnesota Statutes § 10A.02, subdivision 11 of possible violations of the Minnesota Ethics in Government Act (the "Act") by Representative Denise Dittrich.

We respectfully request that the Board investigate potential violations of the Act by Representative Dittrich.

FACTS

A question of a violation of ethics has arisen with respect to Representative Denise Dittrich, (DFL Champlain, District 47A) and her failure to disclose a financial interest in certain real property adjacent to the Northstar Corridor and within two blocks of the future site of the new outdoor baseball stadium.

The properties in question are identified as 333 Washington Avenue North (the Union Plaza) and 328 4th Street North (a 1.13 acre parking lot adjacent to 333 Washington Avenue North and located approximately one block north of the future outdoor baseball stadium site).

Property tax statements on file with Hennepin County list the owner of 333 Washington Avenue North as "Duddy Limited Partnership." Representative Dittrich has acknowledged that she and her husband have an interest in this partnership. Coincidentally, the Duddy Limited Partnership is also listed as the owner of 328 4th Street North.

In her Statement of Economic Interest on file with the Campaign Finance Board ("CFB"), Representative Dittrich disclosed her ownership interest in the property identified as 333

Washington Avenue North. She neglected, however, to disclose her interest in the property located at 328 4th Street North.

On May 20, 2006, Representative Dittrich requested and was excused from voting on H.F. 2480, the bill relating to a ball park for major league baseball citing a conflict of interest relating to her ownership interest in the property located at 333 Washington Avenue North. Again, she did not disclose her ownership interest in the property located at 328 4th Street North.

In unsolicited remarks during a Town Hall Meeting on May 2, 2006, Representative Dittrich stated:

Many of you probably noticed that I did not vote on the – on the Twins stadium, and the reason is because I had a conflict of interest. And when people write me, and I tell that I had a conflict of interest, they u-, they aske, the next question is: ‘What was your conflict?’ What could you – what could probably happen? They say, ‘Are you Carl Po- Carl, Carl Pohlad’s grand-daughter or something?’ (laugh) And I say, ‘No, not quite.’

“Uh – What it is is a long time ago – uh – my husband and I bought a piece of - ah – a part of a piece of property, and it would have been – at the time it would have been adj – adjacent to the proposed Twins site. And so, that – the value of that property would have gone up – will go up – eh – does go up when – eh – when the Twins site comes there. Because, actually, it been – uh – not been a very valuable piece of property up until the Twins site goes there. Eh – but it’s really just a very, very, very small piece – of property.

So, anyhow – um – according to law, according to rules, and because of ethical reasons, I needed to – um – abstain from that vote. And, in fact, I have – uh – even an ethical obligation of not to try to persuade even other legislators one way or another or just get involved at all. When you have a personal interest like that – uh – that very seriously, and that’s – uh, uh – would be a very big – um – moral dilemma if – uh – immoral dilemma if I would – uh – get involved in that discussion.

As her statements and her request to be excused from the vote on H.F. 2480 clearly show, Representative Dittrich understands the need to disclose possible conflicts of interest and the serious consequences of failing to do so. Despite her understanding, Representative Dittrich failed to properly disclose her interest in the property located at 328 4th Street North and, significantly, she authored and voted on laws that directly benefit her financial interest in said property.

Despite knowing that the property located at 328 4th Street North is adjacent to the future tracks for the Northstar Commuter Rail and that a downtown station platform will be constructed on or near her property, Representative Dittrich not only failed to disclose her

interest in the property, she co-authored H.F. 246 to fund the Northstar and she was the Chief Author of H.F. 666 which authorized the issuance of state bonds for the Northstar Rail Corridor. Finally, she voted in favor of H.F. 3 which included funding for the Northstar.

We understand the Duddy Limited Partnership is closely affiliated with other entities including Twinsville lobbying, Land Partners II, and Minikahda Mini Storage. In fact, all of these entities office in the Union Plaza building owned, in part, by Representative Dittrich. Twinsville and Houston-based Hines Interests, on of the country's largest real estate companies that is the lead developer of a 16-acre site behind the Target Center. According to a leader in the original Twinsville investor group and a partner of Representative Dittrich in the Duddy Limited Partnership, Rich Pugin, the original investors will receive an undisclosed based payment and continue to hold an ownership share of the project.

COMPLAINT

Representative Dittrich's failure to disclose her ownership in the property located at 328 4th Street North is a violation of campaign finance laws. This letter is submitted pursuant to Minn. Stat. §10A.02, Subd. 11, we respectfully request the state ethical practices board investigate Representative Dittrich's violations of campaign practices laws and is subject to penalties including but not necessarily limited to the following:

1. Minn. Stat. §10A.07;
2. Minn. Stat. §10A.071;
3. Minn. Stat. §10A.09;
4. Minn. Stat. §10A.10;
5. Minn. Stat. §10A.23; and
6. Minn. Stat. §10A.34.

Respectfully Submitted,



Representative Kurt Zellers
House District 32B



Representative Tom Emmer
House District 19B