

CC#	MSS LIST CHARGE STATUTE ONLY	Y2000	SOA	CITY/CTY. FILE NO.	CONTROLLING AGENCY	CONTROL NO.
2	MSS 609.43(2)	Y2090	N/A		MN062000	02022457
ADMINISTRATIVE INFORMATION				COURT CASE NO.	DATE FILED	
				K3-02-600970	9-4-02	

State of Minnesota

PLAINTIFF.

NAME: first, middle, last
John Michael Kysylycozyn
3083 Victoria Street

DEFENDANT.

Date of Birth
01-24-72

SJS COMPLAINT NUMBER
62+11+16127561
RAMSEY CTY

COMPLAINT

offense(s).

At Roseville, Ramsey County, Minnesota, on 06-17-02, did wrongfully, unlawfully:

COUNT:

- Violation of Conflict of Interest by a Public Officer. MSS 471.87
Maximum Penalty: 1 year and \$3000.00.
- Misconduct of a Public Officer. MSS 609.43(2)
Maximum Penalty: 1 year and \$3000.00.

FINDINGS OF FACT

PEOPLE'S CAUSE FOUND THAT DEFENDANT
COMMITTED OFFENSES CHARGED

ORDERED DEFT'S MOTION TO DISMISS DENIED.
PLEA OF NOT GUILTY TO ALL COUNTS ENTERED.
TRIAL AND HEARING ON ALL ISSUES SET.

JUDGE OF DISTRICT COURT

DATED: _____

COMPLAINANT'S NAME
Ramsey County Sheriff's Dept.COMPLAINANT'S SIGNATURE
[Signature]

DATE:

9-4-02

PROSECUTING ATTORNEY'S SIGNATURE
[Signature]

NAME/Douglas B. Meslow
Acting Roseville Prosecutor

ADDRESS 25th Street, White Bear Lake, MN.
55110 (651) 426-1533

**ADMINISTRATIVE
INFORMATION**

The complaint and a deputy with the Ramsey County Sheriff's Department, states and alleges:

Defendant John Kysylczyn is the mayor of the City of Roseville and a public officer under Minnesota law. On June 17, 2002, the defendant participated in a city council meeting in the City of Roseville, Ramsey County, Minnesota. Included on the agenda was the approval of an \$8,532.00 invoice from Keith A. Niemi, Attorney at Law, for legal services provided to the defendant in connection with investigation of a complaint against the defendant by the Roseville Ethics Commission. As the individual who incurred the legal expense, the defendant had a personal financial interest in the payment of the invoice.

On July 31, 2002, Dep. Maslowski and Sgt. Vaughn interviewed the Roseville City Manager, Neil Beets. Beets stated that he spoke with the defendant prior to the June 17th meeting, and advised the defendant that he should not vote on the issue because it would be a conflict of interest. Beets said that he spoke with Roseville City Attorney Joel Jamnik, who stated he had also discussed the conflict of interest issue with the defendant. Beets also stated that Jamnik played for him a voice mail message from the defendant, in which the defendant stated in his message to Jamnik, "Thank you for advice on conflict of interest. I'm going to vote on the matter."

On August 19, 2002, Dep. Maslowski and Sgt. Vaughn interviewed the defendant. The defendant declined to discuss his conversations with Jamnik regarding conflict of interest, and stated that he did not recall any conversations with Beets regarding conflict of interest. The defendant further stated that he spoke with Tom Grundhoefer, attorney for the League of Minnesota Cities, and that Grundhoefer advised him that there was no clear cut answer as to whether a conflict of interest existed.

On August 30, 2002, Dep. Maslowski and Sgt. Vaughn met with Thomas Grundhoefer. Grundhoefer stated that he had spoken with the defendant and that he advised the defendant that it was a "gray area" whether the law required the city to pay the attorney's bill incurred by the defendant. He stated that he was quite certain that he had not spoken with the defendant about whether there would be a conflict of interest if the defendant voted for payment of his attorney's invoice.

On August 21, 2002, Dep. Maslowski and Dep. Mahre spoke with Joel Jamnik, who declined to discuss the matter.

The defendant took part in a decision to pay an invoice in which he had a personal financial interest. The defendant voted to pay the invoice, knowing it was forbidden by law to be done in his capacity as a public officer.