

**COMPLAINT
TO THE
SUBCOMMITTEE ON ETHICAL CONDUCT
REGARDING THE ACTIONS
OF
SENATOR NICOLE MITCHELL**

Senators Bahr, Draheim, Drazkowski, Green, Housley, Lieske, Lucero, Utke, and Wesenberg, each being first duly sworn, state and allege under oath the following based upon information and belief:

Sen. Mitchell violated Senate Rules 56.1, 56.2, and 56.3 by breaking into the home of an elderly family member, attempting to steal the victim's personal effects, and subsequently attempting to cover up her conduct by publishing conflicting information.

1. On April 22, 2024, Senator Nicole Mitchell was booked into the Becker County Jail for a violation of Minn. Stat. §609.582, Subd. 1, Burglary-1st Degree.
2. At approximately 4:45 a.m., the Detroit Lakes Police Department was dispatched to the home occupied by Carol (Freitag) Mitchell, Senator Mitchell's stepmother.
3. After being located by police in the basement of the residence wearing all black clothing and a black hat, Senator Mitchell was ordered to the ground and placed under arrest.
4. A flashlight was discovered near Senator Mitchell that appeared to have been modified with a black sock to control the amount of light emitting from the flashlight.
5. Responding officers observed a basement window propped open with a black backpack, which contained Senator Mitchell's Minnesota driver's license, Minnesota Senate identification card, two laptops, a cellphone, and Tupperware containers. Senator Mitchell admitted she had entered the home through the window where the bag was discovered.
6. When questioned about ownership of one of the laptops contained in the backpack, Senator Mitchell told the officer that the homeowner had given her the laptop "way back when"; however, when the device was opened and turned on, the screen displayed the homeowner's name. When the officer asked the homeowner whether she had given the laptop to Senator Mitchell, she responded that she had not.
7. According to the criminal complaint filed in Becker County District Court, Senator Mitchell stated she had "just gotten into the house" and "clearly I'm not good at this." After having received a Miranda rights warning, Senator Mitchell proceeded to tell the officer "I know I did something bad."
8. Senator Mitchell admitted to arresting officers that she left Woodbury at around 1:00 a.m. According to Google Maps, a non-stop drive from Woodbury to Detroit Lakes takes 3 hours and 38 minutes.
9. Senator Mitchell was released by the Becker County Jail on April 23, following an 11:00 a.m. hearing. at which she was given the conditions of her release. Conditions of her release included travel restrictions and adherence to a restraining order filed by the victim and granted by the court.

10. A violation of Minn. Stat. §609.582, Subd. 1, (Burglary in the first degree) is a felony, punishable by up to 20 years in prison and/or a fine of \$35,000. However, a burglary committed while the dwelling is occupied carries an enhanced penalty, requiring a minimum sentence of at least six months incarceration.
11. Senate Rule 56.1 states: “Members shall adhere to the highest standard of ethical conduct as embodied in the Minnesota Constitution, state law, and these rules.”
12. Senator Mitchell’s premeditated burglary - which included driving over three-and-a-half hours (dressed in all black clothing and hat), using a custom emittance-governed flashlight to forcibly enter the basement window of an occupied house at 4:45 in the morning, and attempting to covertly remove effects from the home – violates state law and the “highest standard of ethical conduct” required under Senate Rule 56.1.
13. Shortly after her release from the Becker County Jail, Senator Mitchell attempted to frame the public narrative and recharacterize the nature of her arrest; however, the social media statement Senator Mitchell issued directly conflicts with statements she made to law enforcement.
14. At approximately 2:30 p.m. on April 23, Senator Mitchell issued a Facebook statement, which included: “Over the weekend, I learned of medical information which caused me grave concern and **prompted me to check on that family member** (emphasis added). I entered a home I have come and gone from countless times in the past 20 years, where my son even once had his own room. Unfortunately, I startled this close relative, exacerbating paranoia, and **I was accused of stealing, which I absolutely deny** (emphasis added).”
15. Senator Mitchell’s suggestion that she was at the home to check on a family member is inconsistent with information presented in the criminal complaint. Specifically, that she forcibly entered the house through a basement window at 4:45 in the morning dressed in all black clothing, carrying a modified flashlight. In addition, Senator Mitchell told responding officers her stepmother had stopped communicating with the family, stating “that she previously got into an argument with Victim and they stopped speaking.” According to a news report, Ms. (Freitag) Mitchell said that she’s afraid of her stepdaughter and applied for a restraining order against her.
16. Regarding the accusation of stealing, according to the criminal complaint, “While being detained MITCHELL stated to the Victim something to the effect of, ‘I was just trying to get a couple of my dad’s things because you wouldn’t talk to me anymore.’” She also explained to officers: “she wanted various items of her late father’s and that Victim refused to give them to her.” At the time of Senator Mitchell’s arrest, she was in possession of a laptop which contained the homeowner’s name. Ms. (Freitag) Mitchell told police she did not voluntarily give the computer to Senator Mitchell.
17. According to the Star Tribune, Senator Mitchell’s own attorney conceded that “it was her plan to go in and out without disturbing anyone.” “She wanted to [...] retrieve a couple of items that she felt were being wrongfully withheld from her despite earlier promises.”
18. Senate Rule 56.2 states: “A member shall not publish or distribute written material if the member knows or has reason to know that the material includes any statement that is false or clearly misleading...”
19. The written material Senator Mitchell published on April 24th includes statements which are “false or clearly misleading.” This is a violation of Senate Rule 56.2.

20. As members of the Minnesota Senate, all senators take an oath to uphold and protect the constitution. This is a duty to uphold the rule of law, maintain high ethical standards, and represent the public with dignity and respect.
21. Senate Rule 56.3 states: “Improper conduct includes conduct that violates a rule or administrative policy of the Senate, that violates accepted norms of Senate behavior, that betrays the public trust, or that tends to bring the Senate into dishonor or disrepute.”
22. As outlined in the criminal complaint, Senator Mitchell’s actions not only represent a felonious violation of state law, but they also clearly betray the public trust and bring the Senate into dishonor and disrepute. In addition, the public’s trust was blatantly violated when Senator Mitchell published a post-release statement that directly conflicts with statements she made to law enforcement officers just one day prior.
23. As stated in a findings of fact document signed by law enforcement under the threat of perjury, Senator Mitchell explicitly admitted “I know I did something bad.”

Your complainants ask that the Subcommittee on Ethical Conduct investigate the details of these matters immediately. Given the severity of Senator Mitchell’s conduct, it’s imperative that the Subcommittee work expeditiously to review the circumstances of this complaint and recommend discipline to the Rules Committee, pursuant to Rule 55.8. Specifically, the Subcommittee should investigate the true nature of Senator Mitchell’s unwanted/unlawful entry into an estranged relative’s home, the ways in which Senator Mitchell’s published statements conflict with the criminal complaint filed in Becker County, and whether Senator Mitchell’s conduct on April 23 and 24 is consistent with the Senate’s ethical standards. The Subcommittee is encouraged to use its subpoena authority under Rule 55.3 to assist in ascertaining the facts related to this complaint.

Your complainants ask that the Subcommittee on Ethical Conduct find that Sen. Nicole Mitchell violated multiple parts of Senate Permanent Rule 56, and recommends such disciplinary action as the Subcommittee finds appropriate.

Date: April 24, 2024

Senator Cal Bahr

Senator Rich Draheim

Senator Steve Drazkowski

Senator Steve Green

Senator Karin Housley

Senator Mark Johnson

Senator Mark Koran

Senator Bill Lieske

Senator Eric Lucero

Senator Paul Utke

Nathan Wesenberg

Subscribed to, and sworn before me, a notary public, on April ____, 2024