

## **OFFICIAL MINUTES – SPECIAL MEETING**

Board of Education

Independent School District No. 423

January 21, 2015

**CALL TO ORDER** –Chairman Kamrath called to order the special meeting of the Board of Education of Independent School District No. 423, Hutchinson, MN, at 7:10 am in the conference room of the District office.

**ROLL CALL** - Members Present: Mike Carls, Josh Gehlen, Lori Hornick-Lindell, Keith Kamrath, JoEllen Kimball, and Jim Waldron. Also present were Daron VanderHeiden, Superintendent; Mick Waldspurger, District Attorney (via teleconference); and Tina Vorlicek, Recording Secretary. Members absent: none.

**APPROVAL OF THE AGENDA** – Motion made by Josh Gehlen, seconded by Jim Waldron, with all members present voting aye, to approve the agenda.

**CLOSED MEETING** – Motion made by Mike Carls, seconded by Josh Gehlen, with all members present voting aye, to close the meeting pursuant to Minnesota Statute section 13D.05, subdivision 2(b) for preliminary consideration of allegations against an individual who is subject to the board’s authority.

**RE-OPEN MEETING** – The closed meeting was re-opened.

**BOARD ACTION, IF ANY, RELATED TO AN INDIVIDUAL WHO IS SUBJECT TO THE BOARD’S AUTHORITY** – Motion made by Josh Gehlen, seconded by Jim Waldron, with all members present voting aye with Lori Hornick-Lindell abstaining, calling for the immediate resignation of Lori Hornick-Lindell from the School Board of ISD 423. Lori Hornick-Lindell declined to resign.

Member Keith Kamrath introduced the following Resolution and moved its adoption:

### **RESOLUTION ADDRESSING MISCONDUCT BY A SCHOOL BOARD MEMBER**

WHEREAS, the School Board has carefully considered allegations that were made against Board Member Lori Hornick-Lindell; and

WHEREAS, Ms. Hornick-Lindell has been given an opportunity to address the Board;

NOW, THEREFORE, the School Board of Independent School District No. 423 makes the following findings of fact:

1. On March 25, 2014, Ms. Hornick-Lindell was charged with domestic assault after she struck her husband in the face in the presence of at least one of her children. Ms. Hornick-Lindell later entered into a plea agreement.
2. On January 13, 2015, Officer Phillip Mielke from the Hutchinson Police Department observed Ms. Hornick-Lindell driving a motor vehicle. The vehicle’s back end fishtailed and then went up and off the median. Officer Mielke followed the vehicle into a driveway, where Ms. Hornick-Lindell exited the vehicle. Officer Mielke also exited his vehicle.
3. When Ms. Hornick-Lindell exited the vehicle, Officer Mielke observed that she had trouble standing. Additionally, when Officer Mielke spoke with Ms. Hornick-Lindell, he observed that she appeared confused, had slurred speech, watery eyes, and smelled of alcohol. Ms. Hornick-Lindell informed Officer Mielke that she had been at a local restaurant and had consumed alcoholic beverages.

4. Minnesota Statutes section 169A.20, subdivision 1, states that it is a crime for any person to operate or be in physical control of a motor vehicle when the person is under the influence of alcohol or the person's alcohol concentration at the time, or within a period of two hours after operating the motor vehicle, is .08 or more.
5. Officer Mielke performed a series of field sobriety tests. First, he performed the Horizontal Gaze Nystagmus test on Ms. Hornick-Lindell and observed a lack of smooth pursuit, distinct and sustained nystagmus at maximum deviation, and onset of nystagmus prior to 45 degrees in both eyes. Officer Mielke asked Ms. Hornick-Lindell if she could do the one-leg stand test, and she replied no. He then administered a Preliminary Breath Test ("PBT"). Ms. Hornick-Lindell blew a .263 on the PBT, which is more than three times the legal limit.
6. After administering the PBT, Officer Mielke placed Ms. Hornick-Lindell under arrest for Driving While Impaired ("DWI") and drove her to the Hutchinson Police Department.
7. After arriving at the police department, Ms. Hornick-Lindell asked why she was at the station. Officer Mielke again told her that she was under arrest for DWI. Ms. Hornick-Lindell then stated that she was not driving, despite the fact that officer Mielke had personally observed her driving and no other person was in the vehicle.
8. Officer Mielke subsequently asked Ms. Hornick-Lindell multiple times whether she would take a breath test. Officer Mielke reports that Ms. Hornick-Lindell became belligerent, swore at him, and stated, among other things, that he had no clue who she was and what she could do to him.
9. After allowing some time to pass, Officer Mielke again asked Ms. Hornick-Lindell whether she would take a breath test. She refused to do so. She also refused to submit to a blood or urine test. When asked why she was refusing, Ms. Hornick-Lindell told Officer Mielke, "It's none of your business about my blood or urine." She then stated, "Here's the part where you f--- up."
10. Minnesota Statutes section 169A.20 states that it is a crime for any person to refuse to submit to a chemical test of the person's blood, breath, or urine.
11. Ms. Hornick-Lindell has two prior convictions for DWI.
12. On information and belief, some or all of Ms. Hornick-Lindell's conduct on January 13, 2015 is recorded on video maintained by the Hutchinson Police Department.
13. The Board has given Ms. Hornick-Lindell an opportunity to respond to the information, which is stated in findings 1 through 12, and to provide her side of the story.
14. Ms. Hornick-Lindell did not provide any credible information to dispute the information in findings 1 through 12.

NOW, THEREFORE, the School Board of Independent School District No. 423 makes the following conclusions:

1. On March 25, 2014, Ms. Hornick-Lindell engaged in conduct unbecoming a Board member when she struck her spouse in the presence of a child. Such conduct tarnishes desired image of the School Board and the School District and, thereby, compromises the School Board and the Administration.
2. On January 13, 2015, Ms. Hornick-Lindell engaged in conduct unbecoming a Board member when she engaged in the conduct described in findings 2, 3, 5, 7, 8, 9, and 11. Such conduct tarnishes the desired image of the School Board and the School District and, thereby, compromises the School Board and the Administration.

3. Ms. Hornick-Lindell engaged in immoral conduct when she engaged in the conduct described in findings 1, 2, 3, 5, 7, 8, 9, and 11.
4. Board Members are expected to serve as role models and must adhere to all legal and ethical requirements. Ms. Hornick-Lindell has failed to fulfill this expectation.
5. As a Board member, Ms. Hornick-Lindell holds a position of trust. By engaging in the conduct described in findings 1, 2, 3, 5, 7, 8, 9, and 11, Ms. Hornick-Lindell has violated the trust required of her position. She has also failed to demonstrate the sound decision-making and good judgment required of a Board member.
6. Ms. Hornick-Lindell has violated District Policy 209, which contains the Code of Ethics for Board members. Policy 209 requires Board members to comply with all District policies and to take no private action that will compromise the School Board or the Administration.
7. District Policy 403 prohibits “misconduct,” which is defined to include any “activities of a criminal nature relating to the fitness or effectiveness of the employee [or Board member] to perform the duties of the position.” Ms. Hornick-Lindell has engaged in misconduct as defined in Policy 403.
8. Ms. Hornick-Lindell has engaged in criminal conduct as described in findings 1, 2, 3, 5, 7, 8, 9, and 11. Such conduct relates to Ms. Hornick-Lindell’s fitness to serve as a member of the School Board.
9. After weighing the competing interests, the Board has determined that this Resolution is in the best interests of the School District.

NOW, THEREFORE, BE IT RESOLVED by the School Board of Independent School District No. 423, as follows:

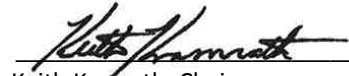
1. The School Board hereby censures Ms. Hornick-Lindell for the conduct described in this Resolution.
2. The Board is not censuring Ms. Hornick-Lindell because of her arrest or the criminal charges that have been filed against her. The Board is censuring Ms. Hornick-Lindell for the conduct described in this Resolution. If Ms. Hornick-Lindell is convicted of any criminal conduct, pleads guilty to any criminal conduct, or is required to spend time in jail because of any conduct, the Board reserves the right to initiate action to remove Ms. Hornick-Lindell from the Board.
3. Effective immediately and for the remainder of her term on the Board, Ms. Hornick-Lindell will not hold a position as an officer on the Board. The Board will appoint another Board member to serve as its Clerk at its next regularly scheduled meeting.
4. Effective immediately, the Board removes Ms. Hornick-Lindell from all committee assignments. In addition, Ms. Hornick-Lindell may not participate, as a Board member, in any labor or contract negotiations on behalf of the Board.
5. Effective immediately, Ms. Hornick-Lindell may not serve as a volunteer in any schools of the District or at any school sponsored events or activities.
6. The School Board hereby places Ms. Hornick-Lindell on notice that if she engages in any misconduct in the future that relates to her fitness to serve as a Board member, the School Board may initiate action to remove her from the Board.

The motion for the adoption of this Resolution was duly seconded by Member Mike Carls, and upon a roll call vote being taken, the following members voted in favor of the motion: Mike Carls, Josh Gehlen, Keith Kamrath, JoEllen Kimball, and Jim Waldron.

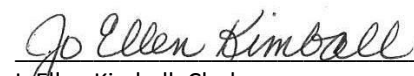
And the following members voted against the motion: none; with Lori-Hornick-Lindell abstaining from the roll call vote.

Whereupon the Resolution was declared duly passed and adopted.

**ADJOURNMENT** – Motion made by JoEllen Kimball, seconded by Josh Gehlen, with all members present voting aye, to adjourn the meeting at 9:25 am.

  
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Keith Kamrath, Chairman

02/09/15  
Date

  
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JoEllen Kimball, Clerk

02/09/15  
Date