

ATTORNEY AT LAW
SOLDO | **CONSULTING**
PROFESSIONAL CORPORATION

8163 Galway Circle, Woodbury, MN 55125
Telephone: 651-238-3748 Facsimile: 651-389-9276

Received
[Signature]

Date: December 23, 2024

To: David Montgomery, City Administrator
Terri Lehr, City Attorney
City of Duluth, Minnesota

From: Michelle M. Soldo, Attorney & Investigator
Soldo Consulting, P.C.

Re: CONFIDENTIAL: City of Duluth Fact-Finding Investigation – Alleged Conflict of Interest and Misappropriation of City Resources, Discussion of Investigation Process, Findings and Factual Basis for Findings

City Attorney Lehr:

This memorandum discusses the process and findings of an external and independent fact-finding investigation conducted on behalf of the City of Duluth (“City”) by the undersigned Attorney and Investigator.

I. Procedural and Factual Background:

- A. On October 16, 2024, City Administrator David Montgomery initiated an independent and external fact-finding investigation, following a preliminary investigation conducted by the City Attorney’s office. Both investigations addressed media reports alleging that emails obtained pursuant to the Minnesota Government Data Practices Act (Minn. Stat. Chapter 13) requests show that City of Duluth Mayor Roger Reinert’s girlfriend (“AG”) interfered with City business when she gave unauthorized work direction to and performed the work of some City staff. The alleged conduct was characterized in media reports quoting an external source as the misappropriation of City resources, and a conflict of interest that is “unethical and potentially illegal.” See www.startribune.com/duluth-to-investigate-role-mayors-girlfriend-plays-in-city-business/601163019.
- B. During the period October 17 to December 12, 2024, records were received and reviewed. Remote interviews were conducted with Mayor Reinert and City staff with direct contact with the Mayor and AG. On December 12, 2024, the investigation record was closed.
- C. The investigation finding discussed in Section II of this memorandum is based on text and email records and material witness accounts. The finding does not rely on Mayor Reinert’s feedback, which is consistent with witness feedback and records. See Memorandum: Section III – Finding and Factual Basis for Finding.

Received
J

II. Investigation Record

The investigation record is comprised of the following information upon which the investigation finding is based:

- A. Online media reports leading to the external fact-finding investigation documented herein.¹
- B. Text messages, emails and a call log documenting City staff engagement with AG during the period December 23, 2023 to September 24, 2024.
- C. Relevant information City staff provided regarding the nature and frequency of their interactions with AG, information summarized in Section III of this report. See Memorandum, Section III – Finding and Factual Basis for Finding *at* Paragraph B – Factual Basis for Finding.

III. Findings and Factual Basis for Findings

A. Finding: The allegations about AG, as reported by the media, are not substantiated. The allegations are based on incomplete information and inaccurate speculation and conjecture refuted by the facts.

B. Factual Basis for Finding:

1. Sub-Finding 1: AG did not, as media reports incorrectly suggest, interfere in City business and misappropriate City resources by directing or performing the work of City staff. The investigation confirmed that AG is a volunteer who serves as the Mayor's personal social media agent and manages his personal calendar. At the request and on behalf of the Mayor, AG communicated with City staff to coordinate Mayoral and personal events, ask questions about upcoming events, and exchange event-related photos, video and content published on City social media accounts and the Mayor's personal social media accounts. AG's actions are not improper or illegal.
 - a. The investigation conclusively confirmed that prior to the Mayoral election in November 2023, AG was then candidate Roger Reinert's campaign manager. At some point, they began dating, which is not an illegal act. Similarly, it is not unusual or inappropriate ("frowned on") as an individual quoted in media reports opined, for elected officials to confer with significant others, including spouses and partners about their work, as long as nonpublic information is not shared. It is not alleged and the facts do not establish that Mayor Reinert shared information with AG that is not public. City staff indicated, and records of their communications confirm, that staff primarily engaged with AG about the Mayor's calendar and his social media. City staff and AG exchanged photos, video and copy related to the public events the Mayor attended, information that is public.

¹ <https://www.duluthnewtribune.com/news/local/investigator-to-examine-role-of-reinerts-girlfriend-in-city-business>;
<https://www.duluthnewtribune.com/news/local/duluth-mayor-takes-heat-for-role-of-campaign-manager-girlfriend...>;
<https://www.startribune.com/duluth-to-investigate-role-mayors-girlfriend-plays-in-city-business/601163019>

Received
D

- b. The investigation confirmed that, following the November 2023 election until Mayor-elect Reinert's inauguration on January 2, 2024, he had no authority over or access to assistance from City staff to assist with his transition from Mayor-elect to Mayor. Mayor Reinert reasonably relied on AG, who managed his successful election campaign, to assist him to plan his separate swearing in and inauguration events. AG's assistance, which she performed a volunteer is not illegal or prohibited by City policy or City Ordinance.
- c. The investigation confirmed that since Mayor Reinert was sworn into office on January 2, 2024, his official work is supported by three Mayor's office staff, including a permanent Executive Assistant (EA) and two appointed and at-will senior advisor positions. Mayor Reinert, in consultation with City Administration rewrote the job descriptions for the two appointed positions and retitled them: 1) Senior Advisor of Communications and Marketing; and 2) Senior Advisor of Policy and Government. Mayor Reinert, like his predecessor Mayor, has the authority to appoint the candidates of his choice to fill both senior advisor positions. The former Mayor appointed her campaign manager to serve in one of the two appointed advisor roles. Mayor Reinert could have and did not follow suit and hire AG (his former campaign manager) to serve in one of the two roles. Mayor Reinert conducted a formal and transparent hiring process facilitated by City Human Resources staff to post, recruit for, interview and appoint two qualified candidates to the positions. The hiring process took time to complete so the Mayor was without key senior advisor support for approximately four months, until early-May 2024.
- d. The investigation confirmed that, since January 2024, AG has served as the Mayor's personal social media agent. In addition to AG's fulltime professional career, she manages the Mayor's personal calendar and his personal social media presence, work that includes creating and publishing social media content and sharing content from other sources via the Mayor's personal social media accounts. AG's external support and coordination with his EA was particularly important to the Mayor during the approximately four months he did not have senior advisor support. During that time, according to Mayor's Office staff, the City's PIO, and verified by texts and email communications:
- AG was introduced to and communicated with City staff (text, email and telephone) to coordinate the Mayor's personal calendar and Mayoral calendar. AG attends many of the Mayor's public appearances, including some events the Mayor's Senior Communications and Marketing advisor typically attends and could not attend due to personal conflicts. That activity is not illegal and is not prohibited by City policy or City Ordinance.
 - Texts and emails confirm that AG shared with Mayor's office staff and the PIO, event-related photos and video she captured during public events she attended, which the City's PIO posted on the City's social media sites. When City staff attended public events that AG did not attend, they shared photos, videos and City social media content with her, some of which she reposted on the Mayor's personal social media accounts. That activity is not illegal and is not prohibited by City policy or City Ordinance.

Received
Dum

- At Mayor's Reinert's request, AG contacted and notified his EA and his Senior Advisor of Communications and Marketing of events on his personal calendar, information they needed to manage his Mayor's schedule. That activity is not illegal and is not prohibited by City Policy or City Ordinance.
 - Media reports cite text records showing that on one occasion, AG asked the City's PIO to conduct some research about "Brighton Beach," a public issue the Mayor had questions about. During the fact-finding investigation, the PIO confirmed that she told AG she will speak with the Mayor directly about the research request, setting a clear professional boundary without criticism or consequence.
 - Other email records confirmed that AG, at the Mayors request, provided Mayor's office staff with background information about public appearances and events the Mayor planned to attend, and background information for Mayoral proclamations they drafted on the Mayor's behalf. That activity is not illegal and is not prohibited by City policy or City Ordinance.
 - Other texts and email records indicate and City staff independently confirmed that, occasionally, AG asked the Mayor's EA to add public events to the Mayor's calendar. AG asked questions on behalf of the Mayor about the nature of scheduled official events, appropriate event attire (business casual, black tie, etc.), and related social media postings. That activity is not illegal and is not prohibited by City policy or City Ordinance.
 - The PIO and Mayor's Office staff independently and consistently confirmed that AG and the Mayor never asked them to do anything they felt was improper or illegal. All understood that if and when AG contacted them with a question, she was acting with the authorization of and as a surrogate for the Mayor. If they had any question or reservation, they could as the PIO did related to a research request, confer with the Mayor directly. Texts and emails indicate, and the PIO and Senior Advisor of Marketing and Communications independently confirmed, that they appreciated the assistance AG provided.
- e. The totality of the evidence indicates that the exchange of information between AG and City staff, at the request of the Mayor, was the level of support needed by the new Mayor who had limited staff support for a period of four months, no prior experience serving as a Mayor, and a steep and robust learning curve with no written playbook on which to rely. The nature of AG's engagement with City staff, as described by staff and evident from text and email records and the exchange of calendar and social media content, is not illegal or improper as media sources suggest.
- f. The investigation revealed unverified speculation on the part of a City employee that AG may be improperly performing the work of the Mayor's current EA, who also provides EA support to the City Administrator. That speculation is based on the inaccurate assumption that the Mayor's current EA cannot fully and competently perform both roles. By all accounts, the EA is extremely busy, exceptionally organized, and a capable employee who has demonstrated the

Received
D

capacity to effectively multitask, anticipate and manage the administrative support needs of the City Administrator and the Mayor. According to that EA, and independently confirmed by other Mayor's office staff and the City's PIO, AG does not perform any of the EA's work or any of the duties and responsibilities of the Mayor's two Senior Advisors or the City's PIO.

2. Finding 2: AG did not have access to City passwords, City databases or any nonpublic (private or confidential) City data.
 - a. No evidence was presented or identified, and City staff independently and consistently confirmed that AG did not have access to City passwords, City social media accounts, City databases and files, or any not-public City data.
 - b. According to Mayor Reinert's former and current EAs, for a brief period of time at the Mayor's request, the Mayor, his EAs, his Senior Advisor of Communication and Marketing, and AG all had access to an online *Google* document created to track the Mayor's official and personal activities in one location. The events tracked in the *Google* document, which was only updated by the Mayor's EA and Senior Advisor of Communication and Marketing, is public information that AG had access to for the purpose of coordinating the Mayor's personal calendar and personal social media content.
3. Finding 3: AG did not receive public funds for work she performed on behalf of Mayor Reinert.

No evidence was presented or identified, the media correctly reported, and the investigation confirmed that AG was not compensated with City funds for her work as Mayor Reinert's social media agent. According to Mayor Reinert, independently confirmed by City staff, and as discussed above, AG worked as an unpaid volunteer.

This memorandum concludes my work on this matter and I am closing my file. I remain available to respond to questions.

Sincerely,

Michelle M. Soldo

Attorney & Investigator
SOLDO CONSULTING, P.C.