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## **County Attorney Statement Re: Thompson Hill/Gauthier Matter**

Regarding the incident on Thompson Hill involving Representative Kerry Gauthier and a 17-year old, I am reminded that communication is what people hear ... and not necessarily what is said.

First and foremost, the details of the Duluth Police Department investigation were not submitted to the St. Louis County Attorney's Office with a request for charges. The Duluth Police Department approached our office for an assurance that they were correct in concluding that the Thompson Hill incident yielded no chargeable offenses. We advised law enforcement that given the evidence of the facts in the case, no criminal statutes were violated and no felony criminal charges could be filed. This was the right thing to do.

Chief Prosecutor Gary Bjorklund, a seasoned veteran with nearly 30 years of experience, reviewed the details and the reports and gave me his opinion that no violation of the criminal sexual conduct statutes occurred due to the fact that the 17-year old was of age to consent. Mr. Bjorklund also noted that the Duluth Police Department investigation confirmed that the conduct was consensual. The age of consent in Minnesota is 16 — even if the other party is many years older.

Further, there was no evidence of money being exchanged or evidence of abuse in a position of authority. If there was evidence of this type of activity, the incident would have been a chargeable offense.

Even the lesser offenses of indecent exposure and disorderly conduct, which would fall under the jurisdiction of the City Attorney, were not chargeable because, as Chief Gordon Ramsay explained, the conduct did not occur in front of a third party.

I read the details in the report and came to the same conclusions. Accordingly, in response to their request, the Duluth Police Department was advised by our office that they were correct in their assessment: no criminal felony charges could be filed and were not warranted under the facts in the evidence.

Certainly, in any situation, the public is entitled to their opinions about the judgment demonstrated by those involved. It is understandable—even desirable—that there will be added scrutiny when a public official is involved. In this case, if charges were requested and issued, it would have meant ignoring the facts and the law.

I am proud of our record of prosecuting offenders to the full extent of the law when the facts and the law support the charges. I am also proud of our record of pursuing fairness and justice. With this understanding, let it be heard very clearly: Any other decision would have been neither fair nor just.

**MARK S. RUBIN**  
St. Louis County Attorney

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