FY18 Conflict of Interest

ENRTF ID:	LCCMR Member
004-A	Commissioner Wagenius reported an indirect conflict of interest for ENRTF ID: 004-A "Healthy Prairies II: Preserving MN Prairie Plant Diversity", Dr. Ruth Shaw – U of MN because her son collaborates with Dr. Ruth Shaw on other research.
016-A	Commissioner Gibson reported an indirect conflict of interest for ENRTF ID: 016-A, "Cascading Effects of Wolf Recolonization", Isbell Forest - U of MN. (See Attachment # 2)
044-B	Commissioner Broberg reported an indirect conflict of interest for ENRTF ID: 044-B, "Responsive Water Quality Monitoring: Southeastern Minnesota Trout Streams", Neal Mundahl – Winona State University. (See Attachment # 3)
101-C	Commissioner Young reported a conflict of interest for ENRTF ID: 101-C, "Providing Residential Environmental Learning Experiences to Under-Served Students", Bryan Wood - Audubon Center of the North Woods. (See Attachment # 4)
160-F	Commissioner Young reported a conflict of interest for ENRTF ID: 160-F, "Restoring 83-acres of Prairie, Savanna & Forest Habitat", Tom Lewanski - Friends of the Mississippi River. (See Attachment # 4)
174-G	Co-Chair Persell stated he has an indirect conflict with ENRTF ID: 174-G, "Leech Lake Natural resource Multi-Benefit Conservation Acquisition" Levi Brown – Leech Lake Division of Resource Management. (See Attachment # 5)
180-G	Commissioner Lamppa reported a direct conflict of interest for ENRTF ID: 180-G, "Tower Trailhead Boat Landing and Habitat Improvement", Linda Keith - City of Tower. (See Attachment # 6)
N/A	Commissioner Kari Dziedzic reminded members of a letter on file from Tom Bottern, Senate Counsel, regarding a family member working at the DNR affirming that it did not constitute a conflict of interest with MN DNR's proposals submitted. (See Attachment # 1)

Senate Counsel, Research, and Fiscal Analysis
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THOMAS S. BOTTERN
DIRECTOR

Senate

State of Minnesota

TO: Senator Kari Dziedzic

FROM: Tom Bottern, Director (651/296-3810) TSB

DATE: June 29, 2012

RE: LCCMR Procedures -- Analysis of Conflict of Interest Regarding a Family Member

You have asked me whether the Procedures of the Legislative-Citizen Commission on Minnesota Resources (LCCMR Procedures) (as adopted September 23, 2008, and attached to this memo as you provided them to me) raise any concerns regarding a potential conflict of interest arising from your brother-in-law's employment with the Minnesota Department of Natural Resources (DNR). After reviewing the procedures and the information you have provided to me, I do not believe a conflict of interest exists.

Item C, section 7 of the LCCMR Procedures deals with conflicts of interest. Under the heading titled "Conflict of Interest to be Managed through Procedures" the LCCMR Procedures state "nevertheless, certain affiliations may constitute a conflict of interest that must be managed by the LCCMR. They include...having a family relationship with a proposer or a staff or board member of a proposing organization." The LCCMR Procedures then state that a conflict of interest must be identified before or during the initial proposal review process, and that a member who has declared a conflict of interest "may not advocate for or against the proposal or vote on the proposal."

The first step in evaluating this issue is to determine whether your brother-in-law can be considered a "family member" within the meaning of the LCCMR Procedures, which do not contain a definition of the term "family member". In the absence of a specific definition, the term should be given a reasonable construction and interpretation based on the common understanding of the term. With that in mind, I have reviewed selected Minnesota Statutes in search of a definition of the term "family member." There are several sections in statute that

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define the term "immediate family member." One example is Minnesota Statutes, section 58A.02, subdivision 4, found in the chapter of law regulating Individual Mortgage Licensing. This subdivision defines "immediate family member" as follows:

> **58A.02 DEFINITIONS.**
> Subd. 4. **Immediate family member.**
> "Immediate family member" means a spouse, child, sibling, a parent, grandparent, or grandchild. This includes stepparents, stepchildren, stepsiblings, and adoptive relationships.

Another example is Minnesota Statues, section 181.947, which provides unpaid leave for immediate family members of military personnel injured or killed in active service. Minnesota Statutes, section 181.947, subdivision 1, paragraph (e), defines "immediate family member" to mean "a person's parent, child, grandparents, siblings, or spouse."

I did not find a statute that defines in-laws (whether siblings or parents related by marriage) as family members. As you can see, the two statutes I have cited in this memo do not contain a reference to in-laws, even though they provide a broad and inclusive definition of the term "immediate family member." These definitions in statute provide a strong basis to interpret the term "family member" as it used in the LCCMR Procedures not to include siblings related by marriage.

I do not believe the term "family member" as it is used in LCCMR Procedures includes a relationship to a sibling by marriage. For this reason alone, I believe the LCCMR Procedures do not require you to declare a conflict of interest with respect to any LCCMR project proposal involving your brother-in-law.

/TSB
Attachment

cc: Greg Knopff

Diana Griffith

From: Nancy Gibson <nangibson@comcast.net>
Sent: Thursday, June 30, 2016 10:26 AM
To: Susan Thornton
Subject: conflict of interest statement

June 30, 2016

To: Susan Thornton
LCCMR Director

From: Nancy Gibson
LCCMR member

Subject: Conflict of Interest

I have a potential "conflict of Interest" with project number 16A, "the Cascading Effects of Wolf Recolonization" due to the mention of the International Wolf Center being mentioned as a recipient of data information from the outcomes. I currently sit on the board of the International Wolf Center. I do not received any compensation for sitting on this non-profit board. It is not clear that this is a conflict but I want it for the record.

Nancy Gibson

From: Jeffrey S Broberg <elbabroberg1@gmail.com>
Sent: Wednesday, June 22, 2016 9:51 AM
To: Susan Thornton; Diana Griffith
Subject: Jeff Broberg conflict of interest 044B

Follow Up Flag: Follow up
Flag Status: Flagged

I am currently Vice-chairman of the National Trout Center (NTC) in Preston, Mn. who is named as a cooperator and contributor to project 044B Responsive Water Quality Monitoring: SE Mn Trout Streams by Winona State University. The NTC would host an intern to train volunteers and necessary supplies would be funded through the project. I would not be a project manager or derive any personal financial gain from the project.
I am declaring a "Conflict of Interest to be managed through proceedures" as defined by our proceedures.and will not be voting on or advocating for or against the proposal.
Jeffrey S. Broberg

From: Young, Della NS <dnsyoung@burnsmcd.com>
Sent: Friday, June 24, 2016 1:33 PM
To: Diana Griffith
Subject: RE: LCCMR Conflict of Interest

LCCMR Commission Members:

As a board member of the Audubon Center North Woods and the Friends of the Mississippi River, although I have nothing directly to do with these, perceived conflicts exist for me with projects 101-C and 160-F.

Thanks,

Della Schall Young, PMP, CPESC \ Burns & McDonnell
Sr. Hydrologist \ Regional ES&P Manager
O 952.656.3613 \ **M** 651.249.6974
dnsyoung@burnsmcd.com

From: Rep.John Persell
Sent: Friday, June 24, 2016 7:38 PM
To: Susan Thornton
Subject: LCCMR Conflict of Interest

Susan -

I would like to report a conflict of interest with the Leech Lake Band's LCCMR proposal 174-G as I am a part time employee of the LLBO. Thank you.

John

John Persell
Minnesota House of Representatives
359 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155
651.296.5516
rep.john.persell@house.mn

From: Gary Lamppa <glamppa@crdllc.net>
Sent: Wednesday, June 22, 2016 8:53 AM
To: Susan Thornton
Subject: Tower

I have a conflict with the City of Tower's application for their Harbor/trail project. I have worked for the City before I retired in my position at SEH and have been retained as a consultant since my retirement. This is a part time contract. Thanks.

Sent from my iPad
Gary Lamppa, Principal
Community Resource Development
Office phone: 651-770-7417
Cell phone: 218-260-9639
glamppa@crdllc.net