

Bluestem Prairie

News from Greater Minnesota

Jun 19, 2015

What online public records reveal about Rep. Denny McNamara's real estate partnership



In Chad Richardson's South Washington Bulletin story, Rep. McNamara points to threat against son's business after ethics complaint, published Friday afternoon, we read this passage:

. . . The reason Kahn and Rice were convinced that McNamara did in fact own the landscaping company was in part because they had pulled up McNamara's statement of economic interest that all legislators must file with the state. In it, legislators list their sources of income and real estate.

McNamara's statement lists him as an owner and partner in Hoffman and McNamara LLP, which is listed as a real estate business on the form.

Hoffman and McNamara Co. is the landscaping business and entirely separate from Hoffman and McNamara LLP, McNamara said.

"Hoff and I own that partnership together with our wives," McNamara said. "We've had that partnership since 1975, I believe."

When contacted June 9 and told about the two separate companies, Kahn said: "The names are the same. It's hard to believe their not connected in some way. For all intents and purposes, it looks like he is the owner." . . .

That question--and McNamara's statement that the limited liability partnership goes back to 1975--sent Bluestem to the online database of business record filings at the Minnesota Secretary of State's office.

Looking at both active and inactive filings, we learned that while there in a filing for Hoffman & McNamara going back to 1976, but it's for a now-inactive filing for Hoffman & McNamara Company (2T-1052):

Business Type Business Corporation (Domestic)	MN Statute 702A
File Number 0114652	Home Jurisdiction Minnesota
Filing Date 04/30/1976	Status Inactive
Registered Office Address 6045 180th St E Hastings, MN 55033 USA	Number of Shares 2000
Registered Agent(s) (Optional) None provided	Principal Executive Office Address 1326 Lincoln Lane Hastings, MN 55033 USA
Chief Executive Officer: Michael McNamara 1326 Lincoln Hastings, MN 55033 USA	

Filing History Renewal history

Select the item(s) you would like to order: [View available filings](#)

Filing Date	Filing	Effective Date
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Filing history:

USA

Filing History Renewal history

Select the item(s) you would like to order: [View available filings](#)

	Filing Date	Filing	Effective Date
[x]	04/30/1976	Original Filing - Business Corporation (Domestic)	
[x]	04/30/1976	Business Corporation (Domestic) Business Name	
[x]	11/23/1978	Consent to use of Name - Business Corporation (Domestic)	
[x]	11/13/1990	Business Corporation (Domestic) Active Status Report	
[x]	07/11/1980	Business Corporation (Domestic) Business Name	
[x]	07/11/1980	Registered Office and/or Agent - Business Corporation (Domestic)	
[x]	04/29/1996	Consent to use of Name - Business Corporation (Domestic)	
[x]	03/14/2002	Registered Office and/or Agent - Business Corporation (Domestic)	
[x]	06/14/2009	Consent to use of Name - Business Corporation (Domestic)	
[x]	01/07/2009	Administrative Dissolution - Business Corporation (Domestic)	

The inactive company filing included the prior name of Hoffman & McNamara, Inc.

That filing was administratively dissolved in 2009, presumably because of a second filing for Hoffman & McNamara in 1978 (3H-1148). This company is still active and the CEO is Michael McNamara, Representative McNamara's son.

Business Record Details		Print	Order Certificate	File Attachment / Renewal	Update Business Details
Minnesota Business Name Hoffman & McNamara Company					
Business Type Business Corporation (Domestic)	MN Statute 302A				
File Number 3H-1145	Home Jurisdiction Minnesota				
Filing Date 11/30/1976	Status Active / In Good Standing				
Renewal Due Date 12/31/2016	Registered Office Address 9045 180th St E Hastings, MN 55033 USA				
Number of Shares 2,500	Registered Agent(s) (Optional) None provided				
Chief Executive Officer Mike McNamara 9045 180th Street Hastings, MN 55033 USA			Principal Executive Office Address 9045 180th Street Hastings, MN 55033 USA		
<div>Filing History</div> <div>Renewal History</div>					

But McNamara's two limited liability partnerships are of much more recent vintage. Like the Hoffman & McNamara Company, two filings exist for Hoffman & McNamara LLP. Unlike the company, however, the two limited liability companies did not exist at the same time.

According to records in the same database at the Minnesota Secretary of State's office, the active version of Hoffman & McNamara LLP ([filing 10851-LLP](#)) was created in 2002:

Minnesota Business Name Hoffman & McNamara LLP			
Business Type Limited Liability Partnership (Domestic)	MN Statute 323A		
File Number 10851-LLP	Home Jurisdiction Minnesota		
Filing Date 05/14/2002	Status Active / In Good Standing		
Renewal Due Date 12/31/2015	Registered Agent(s) (Optional) None provided		
Chief Executive Office Address 1368 Featherstone Cr Hastings, MN 55033 USA			
<div>Filing History</div> <div>Renewal History</div>			
Select the item(s) you would like to order: Order Selected Items			
<input type="checkbox"/>	Filing Date	Filing	Effective Date
<input type="checkbox"/>	05/14/2002	Original Filing - Limited Liability Partnership (Domestic)	
<input type="checkbox"/>	05/14/2002	Limited Liability Partnership (Domestic) Chief Executive Office	
<input type="checkbox"/>	05/14/2002	Limited Liability Partnership (Domestic) Business Name	
<input type="checkbox"/>	12/11/2006	Limited Liability Partnership (Domestic) Chief Executive Office	

Perhaps what McNamara is remembering is an inactive filing (1671-LLP) for a limited liability partnership from 1996:

Minnesota Business Name
HOFFMAN & MCNAMARA L.L.P.

Business Type Limited Liability Partnership (Domestic)	MN Statute 323
File Number 1671-LLP	Home Jurisdiction Minnesota
Filing Date 04/26/1996	Expiration Date 4/26/1997 5:00:00 PM
Status Inactive	Renewal Due Date 04/26/1997
Registered Agent(s) (Optional) None provided	Chief Executive Office Address 2901 Glendale Rd Hastings, MN 55033 USA

Filing History

Select the item(s) you would like to order: (0 items selected) View

File	Filing Date	Filing	Effective Date
1	04/26/1996	Original Filing - Limited Liability Partnership (Domestic)	
2	04/26/1996	Limited Liability Partnership (Domestic) Business Name	
3	04/26/1997	Limited Liability Partnership (Domestic) Expired	

This registration expired in 1997, as the screenshot above reveals.

Denny McNamara's Economic Interest Statements

Representative McNamara has maintained that he sold Hoffman & McNamara Nursery and Landscaping to his son in 2004. This claim is consistent with his Economic Interest Statements (EIS) filed the Minnesota Campaign Finance and Public Disclosure Board, which date back to 2002. Candidates, elected officials and many appointed officials are required to file EIS under state law.

Bluestem requested all of Representative McNamara's filings before the current one that is available online. Here is the pdf that we received; the documents are arranged in reverse chronological order:

McNamara EIS 2002-2014

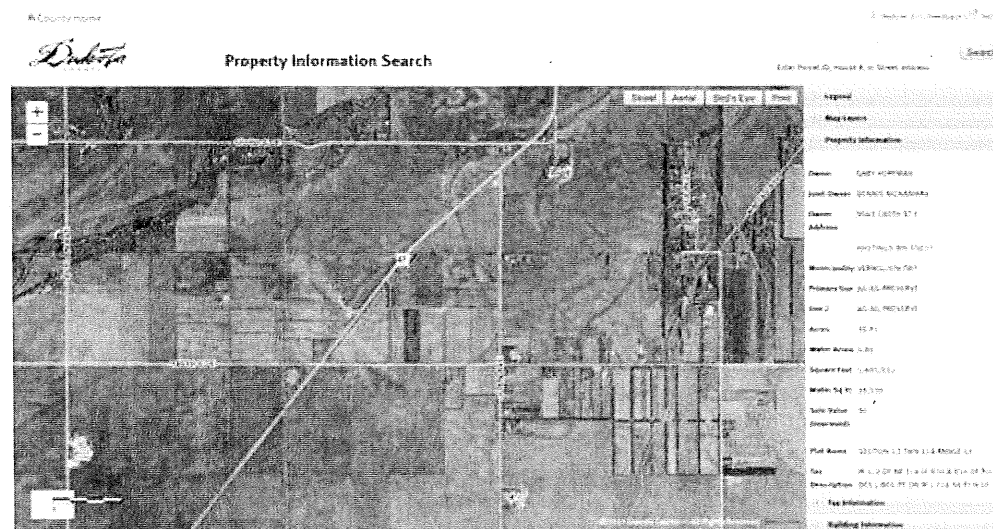
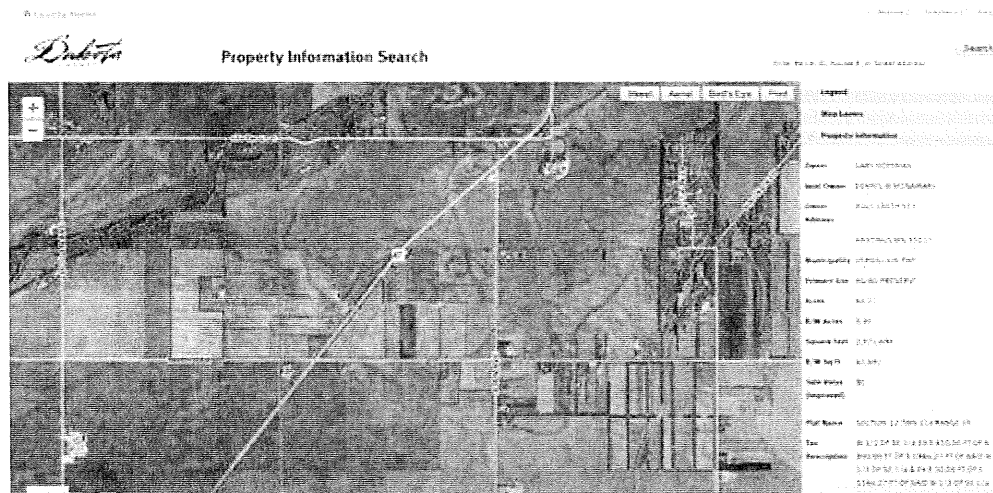
On page 57 of the document, there's a hand written note:

I receive a monthly payment from new owner of McNamara & Hoffman Co. I sold my share in March '04. Do I note that anywhere?

The EIS on which the note appears was filed on July 20, 2004. This information is consistent with Representative McNamara's repeated statements that he sold the company in 2004. As the note demonstrates, there's no attempt to conceal the monthly payment.

Real estate holdings

However, the [Dakota County Property Information Online](#) service does. The most recent McNamara EIS lists 150 acres at Section 12, T114, RI and 12 acres at 9045 180th St E, Hastings. Here are screengrabs of the properties that Hoffman & McNamara LLP own:



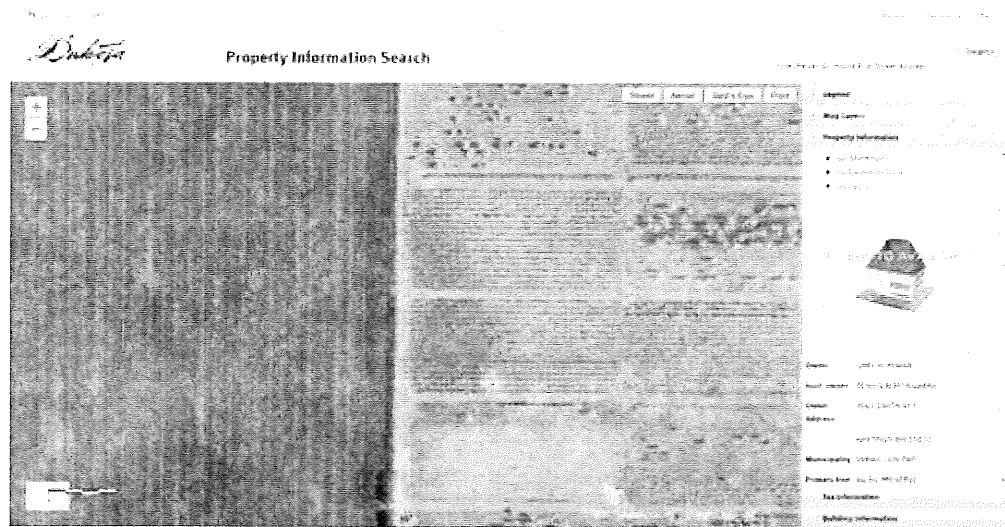
Readers should take note of the inset on the first image; according to the Dakota County records, this parcel is owned by Michael McNamara, Representative McNamara's son. Here's a screenshot of an aerial view from the county online system, dated April 20, 2014:



The Hoffman & McNamara Nursery and Landscaping Company property, owned by Michael McNamara, is clearly delineated in the lighter rectangle in the inset. The Hoffman & McNamara LLP real estate is divided into smaller rectangles.

The Dakota County GIS/property map system allows for a closer view, and it's clear that nursery stock is being grown on the Hoffman & McNamara acreage.

Here's one close up:



As one can see, these are plots of nursery stock. One should not mistake the nursery company for the land the trees grow on, however; while it's clear from the country records that the real estate partnership owns the land, it's quite common for acreage to be rented--and the corn, beans, tiny trees or whatever belongs to the renter. Bluestem assumes that Hoffman & McNamara LLP and Hoffman & McNamara Company--which are separate entities owned by different people--operate under a similar arrangements.

However, if the records at the Minnesota Secretary of State's office are to be trusted--and we see no reason that they are not trustworthy--McNamara's memory of when he and Gary Hoffman set up their limited liability partnership isn't what it might once have been.

We have left a message with the Secretary of State's communications director to determine what the relationship--if any--is between the active and inactive companies and limited liability partnerships.

Bluestem encourages real journalists to look these things up in readily available public records, especially in cases of stories like this one, where individual recollections of conversations during the legislative sessions and heated meetings play a key role.

Photo: Representative Denny McNamara, R-Hastings.

- See more at: <http://www.bluestemprairie.com/bluestemprairie/2015/06/even-denny-mcnamara-cant-keep-those-hoffman-and-mcnamara-business-arrangements-straight.html>