



Minnesota House of Representatives

ETHICS COMPLAINT

Representative Dennis "Denny" McNamara
June 4, 2015

On Saturday, May 16, 2015, Representative Dennis "Denny" McNamara conducted himself in a way that violated the spirit and the letter of Rule 6.10 of the Permanent House Rules. Rule 6.10 provides in part:

A complaint may be brought about conduct by a member that violates a rule or administrative policy of the House, that violates accepted norms of House behavior, that betrays the public trust, or that tends to bring the House into dishonor or disrepute.

At roughly 3:00 p.m., in Representative Denny McNamara's office (Room 365, State Office Building) he repeatedly screamed at Representative Phyllis Kahn and Mr. Brian Rice, a lobbyist for the Minneapolis Park Board. Representative Dennis Smith was present during the events.

Before the incident, approximately six weeks ago, Representative McNamara told Representative Kahn that his family company, Hoffman & McNamara, was receiving less business from the Minneapolis Park Board and alleged that the Minneapolis Park Board had stopped buying landscaping materials and services from the McNamara family nursery. Representative Kahn brought this accusation to Mr. Rice. Mr. Rice said he knew nothing about the Park Board not doing business with the McNamara family nursery and said he would look into the matter. Subsequently, Mr. Rice informed Representative Kahn that the Minneapolis Park Board had continued to contract with Hoffman & McNamara, as it had done for a number of years.

In early May, Representative McNamara included a provision in his Omnibus Environment bill that changed a law Representative Kahn and Mr. Rice worked on in the 1980s to dedicate interest earnings from the Met Council Bond Fund to the North Mississippi Regional Park. This provision became contentious on the House floor in early May of this year and again during the 2015 Omnibus Environment Finance conference committee deliberations.

On Saturday, May 16, Representative McNamara wanted to discuss this provision with Mr. Rice. At approximately 3:00 p.m., Representative Kahn accompanied Mr. Rice to Representative McNamara's office with the intention of discussing the provision in the bill and dispelling the accusation.

Representative McNamara began the discussion in an angry manner and immediately shifted the topic to the accusation. He claimed that Representative Kahn had told him about the alleged threat by the Minneapolis Park Board to interfere with the McNamara family nursery.

Representative Kahn stated that she had not heard anyone threaten his family's business. Rather, she had only heard that he, Representative McNamara had felt his family's company was not receiving the business it had in prior years. Representative McNamara claimed he had a recording (voice mail message) to prove it, which he never played. Representative McNamara again stated that a Minneapolis Park Board lobbyist had threatened to take business away from his family's nursery. Mr. Rice denied that he had ever made such a statement. Representative McNamara then said he had talked with a senior female legislator who claims that she heard a Park Board lobbyist make such a statement. Again, Mr. Rice denied that he had or would make such a statement.

Representative McNamara said that Mr. Rice must agree to the aforementioned provision in his Omnibus Environment bill or he would expose the entire matter. He went on to threaten Mr. Rice stating that since the House Rules had been changed this year, he could file an ethics complaint against him.

He became even angrier as discussion shifted to his involvement in his family's nursery and landscaping company, during which Representative Kahn and Mr. Rice pointed out that in his Statement of Economic Interest for the Campaign Finance Board, which is publicly available online, he lists himself as the owner and a partner of Hoffman & McNamara LLP.

He then became incredibly agitated and accused Representative Kahn and Mr. Rice of being deceitful and conniving. He became red in the face, rose to his feet, and began screaming for them to get out of his office. Representative McNamara continued to yell as he slammed his door on Representative Kahn and Mr. Rice as they exited.

His yelling was so loud it could be heard on the other side of the building by Legislative Assistant Travis Reese (Room 377A State Office Building), and by Representative John Persell, who was in his office (Room 359 State Office Building) with the door closed. Representative Persell came out of his office upon hearing loud yelling and asked Representative Kahn, who was then in the hallway in front of his office, what was going on. Representative Persell stated he had no idea what the loud yelling was about, but believed he was coming out of his office to break up a fight.

In 43 years of serving in the Legislature, Representative Kahn claims to have never felt so threatened and domineered by a fellow legislator.

Representative McNamara's conduct violated the spirit and letter of the ethical rules of the Minnesota House of Representatives including, but not limited to:

Respect the principles of representative democracy, by exemplifying good citizenship and high personal integrity, and by observing the letter and spirit of laws, the Minnesota Constitution, state laws and House Rules.

Promote the health of democracy – by fostering openness in government, full public understanding of government actions, and public participation in governmental processes.

Treat everyone with respect, fairness, and courtesy.

Exercise sound judgment.

Be respectful of the House of Representatives as a fundamental institution of civil government.

Use the power and facilities of the House of Representatives only to advance the common good.

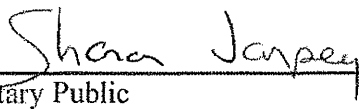
Respect and maintain confidential information obtained as a public official or an officer or employee.

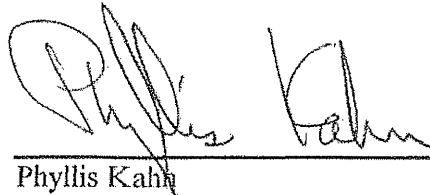
It is clear from the complaint that Representative McNamara's conduct and threats violated his ethical obligation to "treat everyone with respect, fairness, and courtesy," nor can it be considered that he used the "power and facilities of the House of Representatives only to advance the common good."

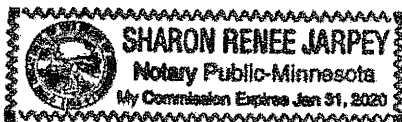
For these reasons the Petitioners respectfully request that Representative Dennis "Denny" McNamara be properly reprimanded and disciplined.

Sworn and acknowledged before me

Signing under oath and attesting to the trust of the complaint:



A Notary Public



Phyllis Kahn
State Representative, District 60



Sworn and acknowledged before me

Signing under oath as a statement of support to this complaint, and attesting only to that which I heard:


A Notary Public


John Persell
State Representative, District 5A

