

Senate

State of Minnesota

May 5, 2025

The Honorable Bobby Joe Champion
State Senator
95 University Avenue W.
Minnesota Senate Bldg., Room 3401
St. Paul, MN 55155

Re: Advisory Opinion and Recommendations

Dear Senator Champion,

Your letter dated April 7, 2025, requested that the Subcommittee on Ethical Conduct provide you with an advisory opinion pursuant to Senate Rule 55.2 on whether you had a conflict of interest when you authored SF 2970 in 2023, which was included in the enacted Omnibus Jobs, Economic Development, Labor, and Industry appropriations bill, and SF 2978 in 2025.

At your request, the Subcommittee held public hearings on April 22 and 24, 2025. You were present at both hearings and were represented by your attorneys Mr. David Zoll and Mr. Charles Nauen. At the hearing on April 22, Mr. Zoll and you explained your request and responded to questions from the Subcommittee. At the hearing on April 24, Mr. Nauen and you made closing comments and answered additional questions.

The Subcommittee makes no finding as it pertains to your authorship of SF 2970 in 2023. The Subcommittee finds that you have no financial conflict of interest under Minn. Stat. 10A.07 and Senate Rule 56.4 relating to SF 2978 which you authored this year. Furthermore, the Subcommittee recommends that in the future you disclose any appearance of a potential conflict of interest to the committees of interest when you are the chief author of bills.

This letter serves as a public record of the Subcommittee's opinion and recommendation to you. This letter also offers recommendation of a general nature to all members of the legislature regarding the disclosure of conflicts of interest.

Facts

The facts you have presented to the Subcommittee are summarized in this letter. A complete record of the documentation you have provided can be found on the Senate's website archives: <https://www.senate.mn/schedule/individual/19388/20250422>.

In 2022, in your personal capacity as an attorney, you represented Salem, Inc. and Mr. Jerry McAfee as defendants in a legal matter related to real estate foreclosures. You performed this work pro bono and had no expectation of payment. A mutual settlement and release agreement was reached as it pertained to your involvement in the case and was effective on October 7, 2022. After that point, your legal representation for Salem, Inc. and Rev. Jerry McAfee concluded.

After October 7, 2022, the Plaintiffs in the legal matter continued to perform administrative functions to complete the settlement, release, and dismissal. This included filing documents with the court that occurred after October 7, 2022. The case was finally dismissed on February 7, 2023. For the time between October 7, 2022, and February 7, 2023, you did not work on the case and the Plaintiff's attorney handled the administrative filings to complete the dismissal.

On March 16, 2023, you introduced SF 2970, which appropriated \$3,000,000 in fiscal year 2024 and \$3,000,000 in fiscal year 2025 to the commissioner of employment and economic development for a grant to Community Action Partnership of Hennepin County. Of that amount, \$1,500,000 in each fiscal year was for a grant to 21 Days of Peace for social equity building and community engagement activities. 21 Days of Peace is affiliated with Salem, Inc. and Rev. McAfee. The bill was heard in the Senate Jobs and Economic Development Committee, which you chaired. The appropriation was included in SF 3035, which was the Senate Omnibus Jobs, Economic Development, Labor, and Industry appropriations bill. Ultimately, the appropriation was included in Laws 2023, Chapter 53, Article 20, Section 2, Subdivision 3.

On March 24, 2025, you introduced SF 2978, which appropriated \$2,000,000 in fiscal year 2026 and \$2,000,000 in fiscal year 2027 to the commissioner of employment and economic development for a grant to Community Action Partnership of Hennepin County. Of that amount, \$500,000 in each fiscal year was for a grant to 21 Days of Peace for social equity building and community engagement activities. 21 Days of Peace is affiliated with Salem, Inc. and Rev. McAfee. The bill was heard in the Senate Jobs and Economic Development Committee, of which you are the chair. The bill was laid over for possible inclusion in the omnibus bill. As of the date of this letter, the appropriations are not included in SF 1832, which is the Senate Jobs, Labor, and Economic Development Budget and Policy Omnibus.

Law

Minn. Stat. 10A.07 is the relevant statute and this statute defines a conflict of interest for purposes of Senate Rule 55.2. It is primarily a disclosure law. The law presumes that public officials will occasionally have conflicts of interest. This is especially true for legislators, who serve in a part-time legislature and have other, private employment and are deeply involved and connected in their communities. When a conflict arises, a public official must disclose the conflict and may be asked to be excused from taking part in the action or decision in question.

The statute is concerned with conflicts that are financial in nature. Minn. Stat. 10A.07, describes a potential conflict of interest as:

A public official ... in the discharge of official duties would be required to take an action or make a decision that would substantially affect the official's financial interests or those of an associated business, unless the effect on the official is no greater than on other members of the official's business classification, profession, or occupation...

Senate Rule 56.4 is the relevant Rule and refers to the statute cited above. The Rule says:
56.4 Members of the Senate must disclose potential conflicts of interest in the discharge of senatorial duties as provided in Minnesota Statutes, section 10A.07.

Opinion and Recommendations

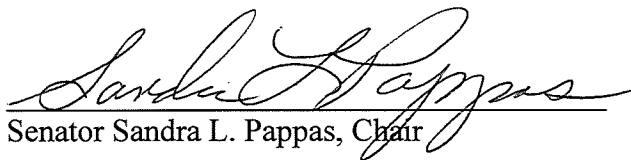
The Subcommittee makes no finding or recommendation relating to SF 2970, which you authored in 2023.

The Subcommittee found that you have no financial conflict of interest under Minn. Stat. 10A.07 and Senate Rule 56.4 relating to authoring SF 2978 this year. Both Minn. Stat. 10A.07 and the corresponding Senate Rule focus on whether an action or decision by a member of the Senate substantially affects that member's personal financial interests or the interests of an associated business in a way that is unique to that member. The Subcommittee finds that you do not have a financial conflict of interest by authoring SF 2978 because you did not financially benefit from authoring the bill or your relationship with your former legal client.

The Subcommittee recommends that in the future, you disclose any appearance of a potential conflict of interest to the committees of interest when you are the chief author of bills. The Subcommittee emphasizes that the disclosure is for both potential conflicts of interest under Minn. Stat. 10A.07 and the appearance of conflicts of interest, whether or not the conflict rises to the level of a conflict under the statute.

While this letter is addressed only to you, the Subcommittee wishes to express its desire and intent that all legislators think more expansively about conflicts of interest and err on the side of disclosure when authoring bills that appropriate money to organizations with which the member has an affiliation or relationship. By expanding the way legislators think about and disclose actual conflicts of interest and the perception of conflicts of interest, the legislature will operate in a way that prioritizes transparency and enhances public confidence.

The Subcommittee appreciates your willingness to bring this matter before it, to answer questions, and to address this issue in a timely manner.


Senator Sandra L. Pappas, Chair


Senator Andrew Mathews


Senator Mary K. Kunesh


Senator Jeremy R. Miller