

LSOHC: Email Exchange Regarding Potential Conflict of Interest

From: Mark Johnson <mark.johnson@lsohc.mn.gov>

Sent: Thursday, July 10, 2025 12:37 PM

To: Janelle Taylor <janelle.taylor@house.mn.gov>; Ben Stanley <ben.stanley@mnsenate.gov>

Cc: Joe Pavelko <joe.pavelko@lsohc.mn.gov>; Rep. John Burkel <rep.john.burkel@house.mn.gov>

Subject: LSOHC - Conflict of Interest

Janelle & Ben:

I received a call from Rep. Burkel regarding the [Big Swamp North - Peatland Restoration Project](#) that the Council will be considering for approval of their accomplishment plan at the July 30 meeting, and by association the current proposal [Roseau Lake Rehabilitation: Phase III](#).

Evidently a legal suit has been brought against the Roseau River Watershed Board in regards to the Roseau River Restoration (Big Swamp North) plans of the Watershed Board. Rep. Burkel's father-in-law is one of the plaintiffs bringing the suit.

Since Rep. Burkel is not involved in any way other than being a local resident, being the son-in-law of one of the plaintiffs, and being the State Representative for that District, I don't see a direct conflict on his part. Other than the fact that his father-in-law is involved in the suit (without any attachments to Rep. Burkel), I also don't see a viable perceived conflict of interest either, although people's perceptions may draw in considerations of conflict simply due to relationship via marriage.

Rep. Burkel plans to declare a potential perceived conflict upon submitting his COI form at the July Council meeting so transparency is served and the Council can discuss the issue.

Do you have any thoughts or suggestions regarding this situation that you would like to provide? In the least, I wanted you aware prior to the conversation on July 30th.

As usual, I appreciate your guidance and thoughtfulness to any degree you are willing to contribute.

Regards,

Mark

Mark Wm. Johnson
Executive Director
Lessard-Sams Outdoor Heritage Council
651-296-6397

From: Ben Stanley <ben.stanley@mnsenate.gov>
Sent: Thursday, July 10, 2025 1:45 PM
To: Mark Johnson <mark.johnson@lsohc.mn.gov>; Janelle Taylor <Janelle.Taylor@house.mn.gov>
Cc: Joe Pavelko <joe.pavelko@lsohc.mn.gov>; John Burkel <Rep.John.Burkel@house.mn.gov>
Subject: RE: LSOHC - Conflict of Interest

Mark,

I believe Janelle may be out of the office at the moment, but here are my quick thoughts. The statutory language that governs LSOHC conflicts of interest provides as follows:

Subd. 4. Conflict of interest. (a) A council member may not be an advocate for or against a council action or vote on any action that may be a conflict of interest. A conflict of interest must be disclosed as soon as it is discovered. The council shall follow the policies and requirements related to conflicts of interest developed by the Office of Grants Management under section [16B.98](#).

(b) For the purposes of this section, a "conflict of interest" exists when a person has an organizational conflict of interest or direct financial interests and those interests present the appearance that it will be difficult for the person to impartially fulfill the person's duty. An "organizational conflict of interest" exists when a person has an affiliation with an organization that is subject to council activities, which presents the appearance of a conflict between organizational interests and council member duties. An "organizational conflict of interest" does not exist if the person's only affiliation with an organization is being a member of the organization.

In order for there to be a conflict of interest under this language, a person must (1) have an organizational conflict of interest or direct financial interests in a project; and (2) those interests must present the appearance that it will be difficult for the person to impartially fulfill the person's duty. As I read the statute, you don't even get to the question of how a given situation appears unless you first find that there is an organizational conflict of interest or a direct financial interest. Since Representative Burkel is not affiliated in any way with the Roseau River Watershed Board, he does not have an organizational conflict of interest. Nor does he appear to have any direct financial interest in this project. For these reasons, I agree that Representative Burkel does not have a conflict of interest within the meaning of the statute.

In addition to this statutory language, however, [LSOHC operating procedures](#) contain conflict of interest language and this language appears to go beyond what is statutorily required in some cases. These procedures provide, for example, that "having a family relationship with someone requesting funds or a staff or board member of a requesting organization" may "constitute a conflict of interest that must be managed" by the Council. However, nothing in the facts you've related suggests that Representative Burkel has a family relationship with someone requesting funds or a staff or board member of a requesting organization. Nor do I see anything else in the LSOHC operating procedures that suggests that Representative Burkel has a conflict of interest.

Nonetheless, I think it is a good idea for Representative Burkel to disclose the situation to the rest of the Council even though he does not in fact appear to have a conflict of interest.

Thank you,

Ben

From: Janelle Taylor <Janelle.Taylor@house.mn.gov>
Sent: Wednesday, July 23, 2025 4:42 PM
To: Ben Stanley <Ben.Stanley@mnsenate.gov>; Mark Johnson <mark.johnson@lsohc.mn.gov>
Cc: Joe Pavelko <Joe.Pavelko@lsohc.mn.gov>; Rep. John Burkel <rep.john.burkel@house.mn.gov>
Subject: RE: LSOHC - Conflict of Interest

Good afternoon,

I don't have anything to add to this and ran it by some others in my office and we agree with Ben's take on this.

Thank you!

Janelle