

**STATE OF MINNESOTA
CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD**

FINDINGS IN THE MATTER OF A COMPLAINT REGARDING THE MINNESOTA VIKINGS FOOTBALL CLUB

Procedural Background

On August 12, 2003, Senator John Marty filed a complaint with the Campaign Finance and Public Disclosure Board against the Minnesota Vikings Football Club ("Minnesota Vikings").

Senator Marty alleged that the Minnesota Vikings violated Minn. Stat. 10A.071 when they issued an invitation to the four legislative caucuses to attend Minnesota Vikings training camp events in Mankato, Minnesota. The Minnesota Vikings Football Club (#0620) is a lobbyist principal. Senator Marty alleged that the invitation constituted preferential treatment for a purchase, which is a gift as defined by Minnesota Rules 4512.0100, subp. (3) (c).

In support of his complaint, Senator Marty provided a copy of the invitation sent by Mike Tice of the Minnesota Vikings and Senator John Hottinger to all Democratic-Farmer-Labor ("DFL") Senate members and a copy of a letter from Michael F. Kelly, Jr. of the Minnesota Vikings to Senator Marty dated August 8, 2003.

By letter dated August 14, 2003, Board staff notified the Minnesota Vikings of the complaint and afforded them an opportunity to respond. Board staff also sent letters requesting additional information regarding this matter to Senate Minority Leader Dick Day, House Minority Leader Matt Entenza, Senate Majority Leader John Hottinger and Speaker of the House Steve Sviggum.

On August 25, 2003, Representative Entenza responded and stated that the training camp event for DFL House members was cancelled due to lack of interest. Senator Hottinger responded on September 4, 2003, and provided a list of DFL Senate Members that attended the event. Representative Sviggum responded on September 16, 2003, and provided no additional information.

On August 26, 2003, John Knapp responded on behalf of the Minnesota Vikings. Mr. Knapp provided a list of Republican House and Senate members and DFL Senate members that attended the training camp events. Mr. Knapp stated, "to recover direct costs associated with the visits in question, the Vikings charged legislators a fee. The fees collected at the legislative visits exceeded the costs expended in hosting the visits." Mr. Knapp stated that the fee was \$15 per legislator, and that the legislators were directed to make their checks payable to the Minnesota Vikings Children's Fund, a 501 (c) (3) charity. Mr. Knapp stated that these contributions were not tax-deductible.

In response to the Board's inquiry regarding activities, services or food provided to legislators, Mr. Knapp stated that the legislators that attended were provided lunch "which consisted of a hamburger or hot dog, soda, chips and a cookie." Mr. Knapp stated that Republican House members received "either a hat or t-shirt" and that the Republican Senate members were provided a general admission ticket to a scrimmage game.

In response to the Board's inquiry regarding preferential seating or enhanced access to the practice facilities, players or coaching staff, Mr. Knapp stated "there was no preferential or enhanced access to Vikings players or coaches or to the practice field or other training camp facilities given to legislators during these visits." Mr. Knapp further stated "the Vikings extended no benefit to the caucus groups that are not extended to other visiting groups. Each lunch was held in a publicly accessible tent with an obstructed view of the playing field, located in the general fan area."

No response was received from Senator Day.

The matter was considered by the Board in executive session at its meetings on August 27, 2003, and September 17, 2003. The Board's decision was based upon the complaint, the documents supplied with the complaint, information obtained from the Minnesota Vikings Football Club's web site, and the responses from Mr. Knapp, Representative Entenza, Senator Hottinger, and Representative Sviggum.

Based on the record before it, the Board issues the following:

EVIDENTIARY FINDINGS

1. Members of the legislature are public officials as defined by Minn. Stat. 10A.01, subd. 35. Public officials are subject to the prohibitions of Minn. Stat. 10A.071, subd. 1, (c).
2. Minn. Stat. 10A.01, subd. 33, defines a "principal" as an individual or association that:
spends more than \$500 in the aggregate in any calendar year to engage a lobbyist, compensate a lobbyist, or authorize the expenditure of money by a lobbyist" or "spends a total of at least \$50,000 in any calendar year on efforts to influence legislative action, administrative action, or the official action of metropolitan governmental units, as described in section 10A.04, subd. 6." The Minnesota Vikings Football Club is a principal.
3. Minn. Stat. 10A.071, subd. 2, prohibits a principal from giving a gift to an official and prohibits an official from accepting a gift from a principal.
4. Each legislator who attended the training camp event made a contemporaneous \$15 payment to the Minnesota Vikings Children's Fund for their lunch and the promotional material they received.
5. There is no evidence that the cost of the goods and services received by the legislators exceeded the \$15 fee.
6. Access to the Minnesota Vikings training camp practice fields is provided to groups without cost.
7. The legislators that attended received access to the practice fields and coaching staff that is not available to individual members of the public.

Based on the above Statement of the Evidence, the Board makes the following:

FINDINGS CONCERNING PROBABLE CAUSE

1. The attending legislators made contemporaneous payment for the goods they received as provided for by Minnesota Rules 4512.0400, and thus there is no cause to believe that either the Minnesota Vikings or the legislators that attended the event violated Minn. Stat. 10A.071.
2. There is probable cause to believe that the attending legislators had enhanced access to the playing fields and coaching staff. However, this enhanced access is extended to all organized groups that visit the Minnesota Vikings training camp and is a service of insignificant monetary value. Minn. Stat. 10A.071, subd. 3, (a) (3) provides that "services of insignificant monetary value" are an exception to the gift prohibition.
3. There is probable cause to believe that contemporaneous payment should have been made to the Minnesota Vikings as the entity that provided the goods, and not to the Minnesota Vikings Children's Fund. However, the Board recognizes that the Minnesota Vikings has the ability to contribute the fees collected from legislators to the Minnesota Vikings Children's Fund. The Board advises the Minnesota Vikings to ensure that in the future the correct entity is reimbursed.
4. Attendance at the Minnesota Vikings training camp is open to the public at no cost. Therefore, there is no probable cause to believe that the attending legislators received preferential treatment for admission to the training camp events.

Based on the above Findings, the Board issues the following:

ORDER

1. The complaint regarding the alleged violation of Minn. Stat. 10A.071 is dismissed in its entirety.
2. The Board directs the Minnesota Vikings to provide their designated lobbyist with the cost of all food and beverages

consumed by team officials and lobbyists at the training camp events while in the presence of public officials. The designated lobbyist must report these disbursements on the Lobbyist Disbursement Report due January 15, 2004.

3. The record in this matter and all correspondence is hereby entered into public record in accordance with Minn. Stat. 10A.02, subd. 11. Board staff shall provide copies of these Findings to Senator Marty, the Minnesota Vikings Football Club, Senator Day, Representative Entenza, Senator Hottinger, and Representative Sviggum.

Dated: September 17, 2003 Clyde Miller, Chair
Campaign Finance and Public Disclosure Board