

CHAPTER 4505

ETHICAL PRACTICES BOARD

ECONOMIC INTEREST DISCLOSURE

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4505.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 4505.0100 to 4505.1000, the terms defined in this part have the meanings given them.

Subp. 1a. **Address.** "Address" means, for an individual, the individual's home mailing address or, for an association, the place where the association conducts its business, including the street and number, the post office box or rural route, if appropriate, the room number, and the city, state, and zip code. An individual may provide a business address rather than a home mailing address.

Subp. 2. **Compensation; earned income.** "Compensation" or "earned income" includes every kind of payment for labor or personal services from private or public employment. It does not include alimony or child support payments or payments of social security, unemployment compensation, or workers' compensation.

Subp. 3. **Compensation in any month.** For the purpose of an original statement of economic interest, "compensation in any month" includes only compensation received in the calendar month immediately preceding the date of appointment as a public official or filing as a candidate.

For the purpose of supplementary statements of economic interest to be filed, "compensation in any month" includes compensation and honorariums received in any month between the end of the period covered in the preceding statement of economic interest and the end of the current period.

For the purpose of calculating the amount of compensation received from any single source in a single month, the amount shall include the total amount received from the source during the month, whether or not the amount covers compensation for more than one month.

Subp. 4. **Date of appointment.** "Date of appointment" means the effective date of appointment to a position.

Subp. 5. [Repealed, 14 SR 2583]

Subp. 6. **Accepting employment as a public official.** "Accepting employment as a public official" means the effective date of the appointment to the position, as stated in the appointing authority's notice to the board.

Statutory Authority: *MS s 10A.02*

History: *11 SR 1611; 14 SR 2583*

4505.0200 PUBLIC OFFICIAL.

An individual who is employed or appointed as an acting public official or who is employed part time as a public official is required to file a statement of economic interest.

Statutory Authority: *MS s 10A.02 subd 13*

4505.0300 LATE FILING FEES.

The board shall send a delinquency notice by certified mail to a public official or candidate within ten business days after a filing date. A certified letter returned by the post office to the board as refused is considered received by the addressee on the date refused. The late filing fee begins accumulating on the eighth day after refusal. A certified letter returned to the board as undelivered or refused must be forwarded by first class mail to the public official or candidate. An undelivered notice of late filing is considered received by the recipient five

business days after the first class mailing. A late filing fee must be charged through the business day preceding the day of filing of a late statement. A late filing fee may not be assessed for Saturday, Sunday, or legal holidays.

Statutory Authority: *MS s 10A.02 subd 13*

History: *11 SR 1611; 12 SR 1809*

4505.0400 WAIVER OF LATE FILING FEE.

The board shall grant a waiver of a late filing fee if satisfied that the statement or report was not filed on time due to sickness, injury, or other compelling reason upon receipt of a written request for a waiver.

Statutory Authority: *MS s 10A.02 subd 13*

4505.0500 HONORARIUM.

“Honorarium” includes anything of value received for services for which there is no obligation to make payment; for example, a speech, an article, or similar service. Honorariums are not reported on original statements.

Statutory Authority: *MS s 10A.02 subd 13*

4505.0600 OCCUPATION AND PRINCIPAL PLACE OF BUSINESS.

When asked to give a statement of occupation, an individual shall state his or her principal occupation.

“Principal occupation” means the occupation at which an individual spends the most working hours or which provides the individual’s major source of compensation. “Source of compensation” means the corporation, partnership, or other entity from which the individual receives compensation. A self-employed individual is required to list only a description of the occupation in which the individual is self-employed, for example, farming or practice of law, and is not required to list the names of corporations, partnerships, or other entities which pay compensation to the public official or candidate as a self-employed individual.

“Principal place of business” means the name of the entity providing the individual’s principal occupation.

Statutory Authority: *MS s 10A.02*

History: *14 SR 2583*

4505.0700 REAL PROPERTY.

For the purpose of determining the value of an individual’s interest in real property, the value of the property shall be the market value shown on the property tax statement. For the purpose of an original statement of economic interest, the individual shall disclose only those real properties owned on the date of appointment as a public official or filing as a candidate. For the purpose of a supplementary statement of economic interest, the individual shall disclose any real property owned at any time between the end of the period covered by the preceding statement of economic interest and through the last day of the month preceding the current filing or the last day of employment, if no longer a public official.

Statutory Authority: *MS s 10A.02 subd 13*

4505.0800 SECURITIES.

Subpart 1. Securities, defined. “Securities” includes any stock, share, bond, warrant, option, pledge, note, mortgage, debenture, lease, or commercial paper in any corporation, partnership, trust, or other association. “Securities” does not include deposits in a savings account, certificates of deposit, money market certificates, treasury bills, bonds, or notes, dividends from securities or shares in a pension fund.

Subp. 2. Holder of securities. A “holder of securities” or any individual who “holds securities” is an individual having an ownership interest in any security as defined herein, or who is the trustee or beneficiary of a trust.

Subp. 3. Inclusions as securities. For the purpose of an original statement of economic interest, “securities” includes only securities held on the date of appointment as a public official or filing as a candidate. For the purpose of a supplementary statement of economic inter-

est, "securities" includes any security held at any time between the end of the period covered by the preceding statement of economic interest and through the last day of the month preceding the current filing or the last day of employment, if no longer a public official.

Subp. 4. Address of entity in which security held. For the purpose of indicating the address of the entity in which a security is held, the registered office or principal place of business shall be stated, except that if a security is listed on one of the national security exchanges, and the address of the entity is not known, the name of the exchange shall suffice.

Subp. 5. Exception. Exception to subpart 2 is made for trustees of associations organized exclusively for social, religious, educational, medical, benevolent, fraternal, charitable, reformatory, athletic, chamber of commerce, industrial development, trade, or professional association purposes and not for pecuniary gain, no part of the net earnings of which inures to the benefit of any private stockholder or individual.

Statutory Authority: *MS s 10A.02*

History: *14 SR 2583*

4505.0900 FILING.

Subpart 1. Delivery to board. A statement of economic interest is considered filed if it is delivered to the office of the board by 4:30 p.m. on the prescribed filing date or postmarked on the filing date. If the filing date is a Saturday, Sunday, or legal holiday, the filing date is the next regular business day.

Subp. 2. Filing of more than one statement in any year. An individual who has filed a statement of economic interest within the calendar year shall file a supplementary statement within 14 days after filing an affidavit of candidacy or accepting employment or appointment to an office requiring the advice and consent of the senate.

Subp. 3. Statement after period when no statement required. A public official or candidate, who previously filed a statement of economic interest and who is required to file a new statement of economic interest following a period when no statement was required, shall file an original statement.

Subp. 4. Termination as a public official. An individual shall file a statement of economic interest to cover the period for which the individual served as a public official even though at the time the statement is filed, the individual is no longer holding that office as a public official.

Subp. 5. Option. An individual whose term as a public official has ended after April 1 and before March 31 shall file either a supplementary statement on the next following April 15 through the last date of service or file a statement of termination as a public official through the last date of service. The latter statement may be filed at any time after the term ends and before the next following April 15.

Subp. 6. Change of public official position. A public official who leaves one public official position and is appointed to another public official position within the year between the time when the individual filed either an original statement or a supplementary statement and April 15 of the following year shall file a termination statement for the former office within ten days after leaving that office. The individual shall file an original statement relative to the new office within the time imposed by Minnesota Statutes, section 10A.09, subdivision 1.

Statutory Authority: *MS s 10A.02*

History: *10 SR 1266; 14 SR 2583*

4505.1000 JOINT INTERESTS.

A public official who holds a joint interest in a security, or in a partnership, shall disclose ownership in the security or the partnership if the official's proportionate share of the holding is valued at \$2,500 or more.

Statutory Authority: *MS s 10A.02 subd 13*