

CHAPTER 4515

ETHICAL PRACTICES BOARD

CONFLICTS OF INTEREST

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4515.0100 DEFINITIONS.

Subpart 1. **Act.** "Act" means Laws of Minnesota 1974, chapter 470, approved April 12, 1974, and effective April 13, 1974 (Minnesota Statutes 1974, sections 10A.01 to 10A.34).

Subp. 2. **Address.** "Address" means street and number (post office box or rural route if appropriate), room number (if any), city, state, if other than Minnesota, and zip code.

Subp. 3. **Business with which he is associated.** "Business with which he is associated" means any association in connection with which the individual is compensated in excess of \$50 except for actual and reasonable expense in any month as a director, officer, owner, member, partner, employer, or employee, or is a holder of securities worth \$2,500 or more at fair market value. Minnesota Statutes 1974, section 10A.01, subdivision 4.

Subp. 4. **Calendar year.** "Calendar year" means the period from January 1 through December 31 inclusive in any given year.

Subp. 5. **Financial interest.** "Financial interest" means any asset owned or controlled by an individual or business which has the potential to produce a monetary return.

Subp. 6. **Public official.** "Public official" means: any member of the legislature; any person holding a constitutional office in the executive branch and his chief administrative deputy; any member of a state board or commission with rulemaking authority as provided in Minnesota Statutes, section 14.02; any person employed by the executive branch in a position specified in Minnesota Statutes, section 15A.081; any person employed by the legislature as secretary of the senate, chief clerk of the house, revisor of statutes, legislative auditor, or researcher or attorney in the office of legislative research; any member of the Metropolitan Council, Metropolitan Transit Commission, Metropolitan Sewer Board, or Metropolitan Airports Commission. Minnesota Statutes 1974, section 10A.01, subdivision 18.

Subp. 7. **Superior for purposes of notification of a potential conflict of interest.** "Superior for purposes of notification of a potential conflict of interest" means:

A. if the public official is a member of a board or commission having rulemaking authority, or a member of a metropolitan agency, the chairman of such board, commission, or agency, or, if the potential conflict of interest involves the chairman, the superior shall be deemed to be the appointing authority for that office;

B. if the public official is an employee of a state agency, the department head of that agency or, if the potential conflict of interest involves the department head, the superior shall be deemed to be the appointing authority for that office;

C. if the public official is a member of the legislature, the presiding officer of the body in which the public official serves, or if the potential conflict of interest involves the presiding officer, the acting presiding officer; and

D. if the public official is a member of the staff of the legislature, the chief clerk of the house or the secretary of the senate shall be deemed to be the superior, or, if the potential conflict should involve the chief clerk of the house or the secretary of the senate, the presiding officer of the legislative body which the public official serves.

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

4515.0200 PURPOSE.

The purpose of parts 4515.0100 to 4515.0800 is to implement the conflicts of interest provisions of Minnesota Statutes, chapter 10A.

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

4515.0300 APPLICABILITY OF THE CONFLICTS OF INTEREST PROVISIONS.

Any public official who, in the discharge of his official duties, would be required to take action or make a decision which would substantially affect his financial interests, or those of a business with which he is associated, must file a potential conflict of interest notice, unless the effect on him is no greater than on other members of his business classification, profession, or occupation.

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

4515.0400 NOTICE OF CONFLICT OF INTEREST.

Subpart 1. **Normal procedure.** Whenever a public official is required to file a conflict of interest statement he shall prepare a potential conflict of interest notice describing the matter requiring action or decision and the nature of his potential conflict of interest. The public official shall deliver copies of the potential conflict of interest notice to the board and to his immediate superior.

Subp. 2. **Insufficient time available.** If a potential conflict of interest presents itself and there is insufficient time to comply with the provisions of subpart 1, the public official shall orally inform his immediate superior of the potential conflict. He shall file a potential conflict of interest notice with the board within one week after the potential conflict presents itself. This notice shall indicate the reason for noncompliance with the provisions of subpart 1.

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

4515.0500 REMOVAL FROM CONFLICT OF INTEREST.

Subpart 1. **Nonlegislator.** If the public official is not a legislator, subsequent to the filing of a potential conflict of interest notice, or subsequent to oral notice of a potential conflict of interest by a public official, his immediate superior shall assign the matter, if possible, to another employee who does not have a potential conflict of interest. If the public official who has a potential conflict of interest does not have an immediate superior except for notification purposes, the public official shall do one of the following. Where the public official having the potential conflict of interest is not required by law to determine the matter, he shall either assign the matter to a subordinate for disposition or request the appointing authority to designate another to determine the matter. Where the public official having the potential conflict of interest is required by law to determine the matter, he shall so notify by certified mail all affected parties known to him by providing these parties with copies of the potential conflict of interest notice. A public official having the potential conflict of interest shall not chair a meeting, participate in any vote, or offer any motion on the matter giving rise to his potential conflict of interest.

Subp. 2. **Legislator.** If the public official is a legislator, the house of which he is a member may, at his request, excuse him from taking part in the action or decision in question.

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

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4515.0600 OBTAINING AND FILING FORMS.

All potential conflict of interest notices shall be on the forms made available by the board and must be filed with the board.

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

4515.0700 CHANGES AND CORRECTIONS.

Any material changes in information contained in a potential conflict of interest notice previously submitted, and any corrections, shall be reported in writing to the board within ten days following the date of the event prompting the change or the date upon which the person filing became aware of the inaccuracy. The change or correction shall identify the form and paragraph containing the information to be changed or corrected and shall be signed and certified to be true by the person filing it.

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

4515.0800 FILING OF FALSE STATEMENTS.

Any statement or notice required by parts 4515.0100 to 4515.0800 shall be signed and certified to be true by the person required to file the statement or notice. Any person who signs and certifies to be true a statement or notice which he knows contains false information or who knowingly omits required information is guilty of a gross misdemeanor.

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