

CHAPTER 4515

ETHICAL PRACTICES BOARD

CONFLICTS OF INTEREST

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4515.0100 DEFINITIONS.

Subpart 1. **Applicability.** When they are used in this chapter, the terms defined in this part have the meanings given them.

Subp. 2. **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. 3. [Repealed, 10 SR 1266]

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" has the meaning given in Minnesota Statutes, 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 chair of such board, commission, or agency, or, if the potential conflict of interest involves the chair, 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*

History: *10 SR 1266; 11 SR 1611; 17 SR 1279*

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 official duties, would be required to take action or make a decision which would substantially affect the official's financial interests, or those of an associated business, as that term is defined in Minnesota Statutes, section 10A.01, subdivision 4, must file a potential conflict of interest notice, unless the effect on the

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official is no greater than on other members of the official's business classification, profession, or occupation.

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

History: *10 SR 1266; 12 SR 1809*

4515.0400 NOTICE OF CONFLICT OF INTEREST.

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

History: *17 SR 1279*

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, the official's 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. A public official who has a potential conflict of interest and is not required by law to determine the matter, shall either assign the matter to a subordinate for disposition or request the appointing authority to designate another to determine the matter. A public official who has a potential conflict of interest but is required by law to determine the matter, shall so notify by certified mail all affected parties known to the official 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 the potential conflict of interest.

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

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

History: *17 SR 1279*

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

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signs and certifies to be true a statement or notice which the person knows contains false information or who knowingly omits required information is guilty of a gross misdemeanor.

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

History: *17 SR 1279*