

MINNESOTA CODE OF AGENCY RULES

RULES OF THE ETHICAL PRACTICES BOARD

1982 Reprint



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Prepared by

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ETHICAL PRACTICES BOARD

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Chapter One: Campaign Financing Rules

9 MCAR S 1.0001 Applicability. Chapter One applies to principal campaign committees, political committees, political funds, individuals and associations that raise or expend more than \$100 in a calendar year to influence the nomination or election of a candidate or to promote or defeat a ballot question.

9 MCAR S 1.0002 Definitions. For the purposes of 9 MCAR SS 1.0001-1.0043 the terms defined in this rule have the meanings given them.

A. Board. "Board" means the Ethical Practices Board.

B. Business day. "Business day" means 8:00 a.m. to 4:30 p.m. Monday through Friday except for official state holidays.

C. File, filed, filing. "File," "filed," and "filing" mean delivery 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.

D. "Fundraising event" means any dinner, luncheon, rally, coffee party, cocktail party, or other similar gathering of three or more individuals where contributions are solicited or received to influence the nomination or election of a candidate.

E. "Money" means cash on hand, cash on deposit in banks and other depositories, checks, negotiable instruments and other paper commonly accepted by a bank as a deposit, and transfers through electronic funds transfers.

F. "Periodic report" means the report of receipts and expenditures required to be filed with the board at prescribed filing dates.

G. "Unpaid bills" means advance of credit.

9 MCAR S 1.0003 Agreement to make loans. An agreement to make a loan to a political committee or fund shall be made in writing, signed by the borrower (and endorsers, if any) and reported on the appropriate schedule.

9 MCAR S 1.0004 Allocation of approved expenditures. Except for a political party expenditure as provided in Minn. Stat. 10A.275, the treasurer of a political committee or political fund making an approved expenditure on behalf of more than one candidate shall allocate the expenditure among such candidates on a reasonable proportionate basis and report the allocation to each candidate on periodic reports.

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9 MCAR S 1.0005 Allocation of money from general account refused by a candidate. Monies refused by a candidate from the general account of the state elections campaign fund shall be reapportioned to all the office accounts as provided by Minn. Stat. 10A.31, subd. 5 (a)-(e) and distributed to all qualifying candidates.

9 MCAR S 1.0006 Anonymous contributions. Any single contribution in excess of \$20 for which no donor can be identified by the committee or fund shall be forwarded in its entirety to the board within 14 days after its receipt. When forwarding such an anonymous contribution, the treasurer of the committee or fund shall report to the board the amount of the contribution and the date on which it was received.

9 MCAR S 1.0007 Approved expenditures. No approved expenditure in excess of \$20 on behalf of a candidate shall be made until the individual or association receives a written authorization from the treasurer or candidate of the principal campaign committee containing the following information: date; amount of expenditure; name of individual/committee/fund making the expenditure; purpose of the expenditure; candidate on whose behalf expenditure is made; office sought; expenditure authorized by signature of treasurer or candidate of principal campaign committee.

9 MCAR S 1.0008 Association newsletters on behalf of a candidate. Unless an association as defined in Minn. Stat. S 10A.01, subd. 3 is making an independent expenditure, the proportionate cost of preparation and distribution of a newsletter which advocates the nomination or election of a candidate is a donation in kind and must be approved by the candidate if the cost exceeds \$20 per candidate.

9 MCAR S 1.0009 Campaign headquarters. A reasonable proportion of the cost of a political party's headquarters which serves as the headquarters of a candidate must be allocated to the candidate and reported as a campaign expenditure by the principal campaign committee of the candidate.

9 MCAR S 1.0010 Campaign literature.

A. Pictures; references to other candidates. Campaign literature paid for and distributed by a candidate or a principal campaign committee of a candidate running for office which contains pictures of or incidental references to another candidate or officeholder will not be considered an approved and authorized expenditure on behalf of the other candidate provided the candidacy of the other candidate is not mentioned and no direct or indirect appeal for support of the other candidate is

made, or if there is an independent expenditure disclaimer as defined in Minn. Stat. S 10A.17, subd. 4.

B. Distribution by principal campaign committee. Literature distributed by a candidate's principal campaign committee is presumed to influence the nomination or election of the candidate. Cost of the literature must be reported by the candidate's principal campaign committee. For material obtained free of charge, the fair market value must be estimated for reporting purposes. The cost of printed material which does not identify the candidate and in no way furthers the candidate's nomination or election is not a campaign expenditure.

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9 MCAR S 1.0011 Certification.

A. The signature of the treasurer or deputy treasurer of record shall be sufficient certification on forms prescribed by the board. Notarization is not required.

B. A candidate may sign forms that the treasurer or deputy treasurer of the committee is required to file.

9 MCAR S 1.0012 Change of office sought by candidate.

A. Contribution and expenditure limits. When a candidate, who sought nomination or election to one office, subsequently seeks the nomination or election to another office in the same election year, expenditures incurred and contributions received to influence the nomination or election to the first office will not be counted toward the campaign contribution and expenditure limits to the subsequent office sought.

B. Registration requirement. A candidate who seeks another office must designate a separate principal campaign committee and a separate account for funds for the office sought.

C. Tax credit and public financing agreements. A candidate may sign a tax credit agreement for the calendar year for each office sought until December 31. A candidate may sign a public financing agreement for each office sought until September 1 of the general election year. Signing a public financing agreement by September 1 automatically rescinds a previously filed agreement for another office.

9 MCAR S 1.0013 Complaints of violations.

A. Any person who believes a violation of the act or of these rules has occurred may submit an oral or written complaint to the board.

B. There is no prescribed form for a written complaint, but all such complaints shall be typewritten or handwritten legibly. The name and address of the person making the

complaint shall be typewritten or hand printed on the complaint and it shall be signed by such person. A complaint shall name the alleged violator and describe the complainant's knowledge of the alleged violation. Any evidentiary material should be submitted with the complaint. Complaints will not be available for public inspection or copying until after the board makes a finding. No investigation shall be required if a complaint is frivolous on its face, illegible, too indefinite, does not identify the violator or is unsigned by the complainant.

C. The board need not investigate an oral complaint. No investigation shall be undertaken if an oral complaint is frivolous on its face, too indefinite, does not identify the violation, or does not identify the complainant. There is no prescribed format for an oral complaint, but all oral complaints must describe in sufficient detail the alleged violator and violation of the act or rules.

D. Any portion of a meeting during which the board is hearing testimony or taking action concerning any complaint, investigation, preparation of a conciliation agreement, or a conciliation meeting shall be closed to the public. The minutes of such a meeting shall be kept confidential.

9 MCAR S 1.0014 Contributions between principal campaign committees of the same candidate.

A. Exclusive of personal funds of a candidate as reported on the periodic reports, the candidate may permit his principal campaign committee to accept contributions up to the applicable contribution limit for a political committee from another principal campaign committee formed by that candidate in seeking another office to further his nomination or election to the other office.

B. If the other principal campaign committee is a federally registered committee, then the provisions of Minn. Stat. 10A.22, subd. 7 apply as well as the contribution limit of the receiving committee.

9 MCAR S 1.0015 Judicial candidate.

A. Aggregate contributions. Contributions to a candidate for district court or county court which in aggregate exceed \$50 shall be disclosed in accordance with requirements set forth in Minn. Stat. S 10A.20, subd. 3, clause (b).

B. Contributions from one source. Contributions to a candidate for district court or county court from any one source totaling \$200 or more received between the last day covered in the last report prior to an election and the election shall be reported to the board in person or by telegram within 48 hours after receipt and also in the next required report.

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9 MCAR S 1.0016 Contributions from non-Minnesota domiciled associations and domiciled, federally registered political committees or political funds. Non-Minnesota domiciled associations and domiciled, federally registered political committees or political funds which contribute more than \$100 in a calendar year to a political committee or political fund may, in lieu of registration with the board, provide the recipient political committee or political fund with a report of receipts and expenditures containing all information required by Minn. Stat. S 10A.20 for the reporting period in which the contribution was made.

9 MCAR S 1.0017 Contribution limits; political party definition. For purposes of determining an aggregate political party contribution limit, the organization of a political party does not include a political party ward organization; a social club of a political party in a congressional district, legislative district, municipality or precinct; an auxiliary committee of a political party unit defined by Minn. Stat. S 10A.27, subd. 4; or an association as defined in Minn. Stat. S 10A.01, subd. 3 which uses a political party name and is not listed in Minn. Stat. S 10A.27, subd. 4.

9 MCAR S 1.0018 Employee voluntary contribution plan. If an individual employee of a corporation doing business in Minnesota makes a voluntary contribution to a state candidate through a plan made available by that corporation and the employee retains sole and exclusive control of accumulated funds in the employee's name, the corporation providing such a plan on a nonpartisan basis is not required to register and report as a political committee or political fund. A political committee or political fund in receipt of the contribution from the individual shall report on the periodic report as required by Minn. Stat. ch. 10A.

9 MCAR S 1.0019 Expenses incurred to repay loans. The expenses of raising money to repay outstanding loans from a previous calendar year are reportable as campaign expenditures in the year in which expenses are incurred.

9 MCAR S 1.0020 Forgiveness and payment of a loan. When a loan to a principal campaign committee is forgiven or repaid by an individual, political committee, or political fund, in accordance with Minn. Stat. 10A.32, subd. 3(b), a candidate who accepts money from the state elections campaign fund and whose aggregate contribution limit is exceeded, shall return to the board with the required periodic report amendment or periodic report, a check or money order, payable to the state treasurer for the amount in excess of the aggregate contribution limit but not to exceed the amount received from the state elections campaign fund.

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9 MCAR S 1.0021 Forgiveness and payment of unpaid bills. When a donation in kind in excess of \$20 which results from the forgiveness of an unpaid bill or payment of an unpaid bill by an individual, political committee or political fund other than the principal campaign committee causes the aggregate contribution limit of a candidate who accepts money from the state elections campaign fund to be exceeded, in accordance with Minn. Stat. 10A.32, subd. 3(b), a candidate shall return the amount due, but not to exceed the amount received from the state elections campaign fund, by a check or money order made out to the state treasurer with the required amendment or periodic report.

9 MCAR § 1.0022 Fundraising event.

A. The expenses of a fundraising event held by the state or local committee of a political party for one or two candidates are a donation in kind and, except for food and beverage consumed at the fundraising event, shall be reported as a campaign expenditure by the candidate or candidates under the following conditions:

1. the fundraising event is expressly or implicitly approved by the candidate, his treasurer, or agent to be held "on behalf of" the candidate; and

2. the candidate or candidates are "clearly identified" in advertisements, tickets, or any advance publicity for the fundraising event; and

3. the candidate receives proceeds, if any, from the fundraising event. "Clearly identified" means that: (a) the name of the candidate is used; or (b) a photograph or drawing of the candidate appears; or (c) the identity of the candidate is apparent by unambiguous reference.

B. A separate committee may be established by two or more candidates to report the contributions and expenditures as required by the act for a fundraising event held jointly. The expenses of the fundraising event shall be allocated among the candidates on a reasonable proportionate basis as donations in kind, and, except for food and beverage consumed at a fundraising event, as campaign expenditures. A transfer of funds to a candidate combined with the value of donations in kind from that committee, may not exceed the applicable contribution limit for an individual, political committee, or political fund set forth in Minn. Stat. 10A.27, subd. 1.

9 MCAR S 1.0023 Inactive registered committees and funds. A registered committee or fund which receives no income and makes no expenditures or noncampaign disbursements during a reporting period may so indicate in the space provided on the periodic report and shall thereby satisfy the reporting requirement.

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9 MCAR S 1.0024 Joint checks. When a contribution is given on a check written on a joint account, it shall be deemed a contribution by the signator(s) of the check unless otherwise specified by the signator(s). When a contribution is given on a check written on a joint account and specified as a joint contribution, it shall be deemed a separate contribution by each of the holders of the joint account in a proportional amount.

9 MCAR S 1.0025 Joint limits for governor and lieutenant governor.

A. Public financing or tax credit agreements. A candidate seeking the endorsement for lieutenant governor who signs a tax credit agreement does not bind either the candidate for governor or his own candidacy to campaign expenditure limits following their joining of candidacies. Following their joint endorsement or filing for office, the candidates must jointly sign either the public financing agreement or the tax credit agreement or both agreements if they wish to participate in public financing.

B. Candidates for governor and lt. governor may cause their separate principal campaign committees to be combined as one with no limit on the amount of funds transferred between the two committees. Such action may be taken regardless of whether the action results in either principal campaign committee terminated with outstanding unpaid bills or loans provided that the unpaid bills or loans are assumed and continuously reported by the remaining committee until paid or forgiven.

9 MCAR S 1.0026 Late filing fees.

A. The board shall send a delinquency notice by certified mail to the treasurer of a political committee or political fund within ten business days after a filing date. A copy of the notice shall be sent by first class mail to the candidate and the chairman of a political committee or political fund. If a certified letter is returned by the post office to the board as refused, then the letter shall be deemed to have been received by the addressee on the date refused. The late filing fee will then commence accumulating on the eighth day after refusal. A certified letter returned to the board as undelivered shall be forwarded by first class mail to the treasurer. An undelivered notice of late filing shall be considered received by the recipient five business days after the first class mailing.

B. A late filing fee will be charged through the day preceding the day of filing of a late statement or late periodic report.

C. A late filing fee shall not be assessed for Saturday, Sunday or legal holidays.

D. 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.

9 MCAR S 1.0027 Media advertisements-candidates.

A. If a candidate participates in, but does not pay for, a media advertisement paid for by a principal campaign committee other than his own which advocates the nomination or election of other candidates or federal candidates, no portion of the cost of the advertisement shall be considered an approved expenditure on behalf of the participating candidate provided his candidacy is not mentioned and no direct or indirect appeal for support for his candidacy is made.

B. A candidate or treasurer of a political committee or fund may approve the solicitation and collection of campaign contributions through the use of credit cards. An organization which issues credit cards, when acting in the ordinary course of business by collecting and disbursing funds designated by the card holders for contributions to a political committee or political fund, is not required to register or report.

9 MCAR S 1.0028 Mileage expense. A candidate who is reimbursed for gasoline expenses by his principal campaign committee must report those as campaign expenses; however, a candidate who pays for gasoline expenses from personal funds is giving donations in kind which, if valued at \$20 or less, are neither reported nor recorded. The lowest rate that the state of Minnesota uses to reimburse its employees shall be used to determine the value of automobile use.

9 MCAR S 1.0029 Noncampaign disbursements; constituent services.

A. Expenses to be reported. Expenses paid by the principal campaign committee of a candidate in a nonelection year and until 60 days after adjournment sine die of the legislature in an election year for the office held, for constituent services including newsletters, public opinion questionnaires, aides to legislators for constituent services during a legislative session, stationery not printed at government expense, postage, and rent for district offices shall be reported as a constituent service noncampaign disbursement. Only that portion of the expense actually used or consumed for services to constituents shall be reported as a noncampaign disbursement.

B. Constituent services from personal funds until 60 days following adjournment. Costs of providing constituent services which are paid from personal funds of an officeholder and incurred until 60 days following adjournment sine die of the legislature in the election year for the office held are not required to be reported by the principal campaign committee of the officeholder.

C. Constituent services after 60 days following adjournment. Costs of providing constituent services by an officeholder who is a candidate which are incurred after 60 days following adjournment sine die of the legislature in the election year for the office held and sought are reportable by the principal campaign committee of the officeholder as campaign expenditures.

D. Constituent services from personal funds after 60 days following adjournment. Costs of providing constituent services which are paid from personal funds of an officeholder and incurred after 60 days following adjournment sine die of the legislature in the election year for the office held and sought are a donation in kind and must be reported as such by the principal campaign committee of the officeholder.

E. Constituent services after the general election. Costs of providing constituent services which are incurred in an election year after the general election are noncampaign disbursements.

F. Print media report. A print media column or legislative report to constituents which is authored by a candidate shall be considered an effort by the candidate to influence his nomination or election if it is prepared and inserted in a newspaper or recurring periodical after 60 days after adjournment of the legislature sine die in an election year when the candidate's name will appear on the ballot. A letter, authored by a candidate, appearing in a section of a newspaper or recurring periodical, designated for letters to the editor shall not be considered a campaign expenditure.

9 MCAR S 1.0030 Noncampaign disbursements - miscellaneous. Other expenses which are to be reported as miscellaneous noncampaign disbursements if paid for by the principal campaign committee of the candidate include, but are not limited to: costs for child care for the candidate's children when campaigning, fees paid to attend a campaign school, costs of a post election party during the election year when a candidate's name will no longer appear on a ballot or the general election is concluded, whichever occurs first, interest on loans paid by a principal campaign committee on outstanding loans, and filing fees, if permitted by other Minnesota law, post general election thank you notes or advertisements in the news media.

9 MCAR S 1.0031 Organization of political committees and political funds.

A. Registration required. Any group of two or more persons which receives contributions or which makes expenditures, transfers of funds, or independent expenditures in aggregate more than \$100 to influence the nomination or election of one or more candidates for statewide or legislative office or to promote or defeat a ballot question must register as a political

committee or political fund. If the group's major purpose is to influence the nomination or election of one or more candidates, or to promote or defeat a ballot question, it shall register as a political committee. If the group is an association whose major purpose is one other than to influence nominations or elections, or to promote or defeat a ballot question, it shall register as a political fund. When a person or group merely solicits contributions with the approval of a candidate or the treasurer, deputy treasurer or agent of a political committee or political fund and when those contributions are made directly to the reporting committee or fund, that person or group need not establish a separate political committee or political fund.

B. A candidate may be his own chairman and/or treasurer.

C. All monetary assets of a committee or fund shall be kept in designated depositories in accounts named in accordance with Minn. Stat. 10A.15, subd. 3.

D. The funds of a political committee or the contents of a political fund shall not be commingled with any other funds or with the personal funds of a candidate, any officer or member of the committee or fund.

E. Certificate in other financial institution. If a political committee or fund purchases a certificate of deposit or money market certificate from a financial institution other than that which has been previously disclosed as a depository, the treasurer must amend the statement of organization by adding the name of the new depository.

9 MCAR S 1.0032 Payment of compensation for personal services. The gross value of compensation, in excess of \$20, for personal services of an individual or group which are rendered to a candidate, political committee or political fund is reported as a donation in kind from the individual or association that makes the payment.

9 MCAR S 1.0033 Public financing. A candidate or officeholder who signs an agreement to participate in the state elections campaign fund is bound by the expenditure limits in an election year and nonelection year whether or not the candidate actually receives funds from the state elections campaign fund. To be effective a public finance agreement must be received in the office of the Ethical Practices Board or postmarked no later than September 1.

9 MCAR S 1.0034 Recording contributions.

A. Every individual, political committee or fund that receives a contribution in excess of \$20 shall record the name, address, and any other information required by statute.

B. Promptly after receipt of any contribution or on demand of the treasurer, the contribution together with any required record shall be transmitted to the treasurer.

9 MCAR S 1.0035 Reporting and disclosing earmarked contributions.

A. Each individual, political committee or political fund which receives an earmarked contribution of more than \$20 shall record (1) the name and address of the source of the contribution and any other information required by statute; (2) the name and address of the candidate, political committee or political fund for whom the contribution is earmarked; (3) the political committee or political fund through which the earmarked contribution is directed; and (4) the amount of each earmarked contribution.

B. An earmarked contribution is reported in periodic reports as miscellaneous income by the political committee or political fund through which the contribution is directed to a candidate. When transferred to the candidate by the political committee or political fund the information in 9 MCAR S 1.0035 A. shall accompany the transfer, although the earmarked contribution shall be disclosed on periodic reports by the political committee or political fund only when in excess of \$100.

C. The treasurer of a principal campaign committee of a candidate shall disclose on periodic reports the name and address of the source of contribution and any other information required by statute, the individual, political committee or political fund through which the contribution was directed, and the fact that the contribution was earmarked when the total aggregate contributions from the same source in a calendar year reach the disclosure thresholds of Minn. Stat. 10A.20, subd. 3(b).

9 MCAR S 1.0036 Reporting unpaid bills outstanding as campaign expenditures.

A. For the purpose of determining the total amount of campaign expenditures in a calendar year, any unpaid bills, for campaign expenditures used or consumed during the calendar year, owed by the reporting principal campaign committee on December 31 shall be considered campaign expenditures.

B. An unpaid bill is reportable as a noncampaign disbursement when paid in a succeeding year by the political committee or political fund that incurred the bill.

9 MCAR S 1.0037 Responsibilities of treasurers.

A. A treasurer may transfer records and receipts to a new treasurer relieving that treasurer of record retention responsibility by written notification to the board by either

the new treasurer or the candidate. Such notice shall include name and address of the new treasurer and the effective date of the transfer.

B. A copy of a cancelled check with an invoice stating the purpose of the expenditure will be treated as a receipted bill.

9 MCAR S 1.0038 Sample ballot prepared by a candidate. A candidate who prepares and distributes a sample ballot which contains the names of other candidates must include the proper disclaimer required for independent expenditures and must report the total cost of the preparation, printing and distribution of the sample ballot unless the candidate is making an approved expenditure.

9 MCAR S 1.0040 Tax credit agreement. A candidate may sign a tax credit agreement at any time after registration of his principal campaign committee for the office sought or held through December 31. An agreement signed on or after January 1 shall not be applicable to a preceding calendar year.

9 MCAR S 1.0041 Tax credit agreement and public financing agreement. A candidate must sign a separate agreement in order to participate in each public financing program.

9 MCAR S 1.0042 Special elections.

A. Applicability of statutes. Contribution limits in Minn. Stat. S 10A.27 apply to general elections and to special elections.

B. Separate application. Contribution limits for a general election and for a special election shall apply separately.

C. Official tax credit receipts prohibited. Candidates shall not issue official tax credit receipts for special elections.

9 MCAR S 1.0043 Termination of registration.

A. A termination report shall cover the period from the closing date of the last previous report filed through the date of termination.

B. Any terminated political committee or political fund which subsequently becomes subject to the registration and reporting requirements of the act is required to reregister.

Chapter Two: Economic Interest Disclosure Rules (top of next page)

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9 MCAR S 1.0100 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.

9 MCAR S 1.0101 Definitions. For the purposes of 9 MCAR SS 1.0100-1.0112, the terms defined in this rule have the meanings given them.

A. Compensation. "Compensation" includes every kind of compensation for labor or personal services from private or public employment. It does not include alimony or child support payments.

B. Compensation in any month.

1. 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.

2. 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.

3. 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.

C. Date of appointment. "Date of appointment" means the effective date of appointment to a position.

D. Source of compensation. "Source of compensation" means the name of 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.

9 MCAR S 1.0105 Late filing fees.

A. The board shall send a delinquency notice by certified mail to a public official or candidate within ten business days after a filing date. If a certified letter is returned by the post office to the board as refused, then the letter shall be deemed to have been received by the addressee on the date refused. The late filing fee will then commence accumulating on

the eighth day after refusal. A certified letter returned to the board as undelivered or refused shall be forwarded by first class mail to the public official or candidate. The late filing fee for an undelivered notice will commence on the eighth day after the notice is deposited in first class mail.

B. A late filing fee will be charged through the business day preceding the day of filing of a late statement.

C. A late filing fee shall not be assessed for Saturday, Sunday or legal holidays.

D. 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.

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9 MCAR S 1.0106 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.

9 MCAR S 1.0107 Occupation and principal place of business. *R* For statement of occupation, the individual shall state his or her principal occupation; i.e. the occupation at which he or she spends most of his or her working hours or which provides his or her major source of compensation. "Principal place of business" means the name of the entity providing the individual's principal occupation.

9 MCAR S 1.0108 Real property.

A. 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.

B. 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.

C. 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.

✓ 9 MCAR S 1.0109 Securities. *(to top of next page)*

A. 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 notes, dividends from securities or shares in a pension fund.

B. 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.

C. 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.

D. For the purpose of a supplementary statement of economic interest, "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.

E. 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.

F. Exception. Exception to B. 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.

9 MCAR S 1.0111 Time for filing.

A. 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.

B. An individual shall not be required to file more than one statement of economic interest in any year; except that a public official who has filed a statement of economic interest within the calendar year as a public official, must file a supplementary statement within 14 days after filing an affidavit of candidacy or submitting a petition to appear on the ballot.

C. 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.

D. An individual must file a statement of economic interest for the period for which he served as a public official even though no longer a public official.

sample
9 MCAR S 1.0112 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.

Chapter Three: Lobbyist Registration and Reporting Rules

9 MCAR S 1.0200 Purpose. The purpose of 9 MCAR SS 1.0200-1.0210 is to implement the lobbyist registration and reporting provisions of Minn. Stat. ch. 10A.

9 MCAR S 1.0201 Definitions. For the purposes of Chapter Three the terms defined in this rule have the meanings given to them.

A. Board. "Board" means the Ethical Practices Board.

B. File; filed; filing. "File," "filed," and "filing" mean delivery 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.

C. "Lobbyist" means an individual as set forth in Minn. Stat. S 10A.01, subd. 11. Lobbyist does not include an individual who merely communicates with a public official to obtain information or request an interpretation of a law, rule or agency action.

D. "Urging/urges others to communicate" means any written or oral communication by a lobbyist which requests that an individual or association advocate a particular position to a public official concerning any legislative action or administrative action, or which requests an individual or association to advocate a public official initiate any particular legislative or administrative action. The term does not include mere presentation of factual material without comment.

9 MCAR S 1.0202 Obligation to register. An individual shall register as a lobbyist as required by Minn. Stat. SS 10A.01, subd. 11, and 10A.03, subject to the following:

A. Attendance at legislative or administrative hearings.

For purposes of determining time calculation necessary to require registration as a lobbyist, mere attendance at a public hearing without testifying or communicating with a public official shall not be considered time spent attempting to influence a legislative or administrative action.

B. Paid expert witness registration. An individual who is hired or paid by a lobbyist as an expert witness and whose testimony is requested by a legislative committee, or an agency defined by Minn. Stat. S 15.0411, subd. 2, or a state hearing examiner, shall not be required to register as a lobbyist if the committee, agency, or hearing examiner, by order, resolution, recorded vote or other formal means requests such expert testimony. This exclusion is applicable only to the extent of preparing or delivering the requested testimony.

9 MCAR S 1.0203 Obligation to report.

A. A lobbyist shall file a lobbyist disbursement report on each reporting date indicating whether or not the lobbyist has any reportable disbursements during a reporting period.

B. Alternative report. Notwithstanding A., a lobbyist whose reportable disbursements in a reporting period total less than \$100 and whose disclosure under 9 MCAR S 1.0204 B. would be less than \$20 may file a statement to that effect in lieu of a lobbyist disbursement report. All previously unreported disbursements shall be disclosed annually on the October 15 report, even though the total for the year is less than \$100.

C. Termination report. A lobbyist who terminates his registration as a lobbyist prior to a reporting date shall file a lobbyist disbursement report through the date of termination. If an individual subsequently renews lobbyist activity, the individual shall reregister as required by Minn. Stat. S 10A.03, subd. 1.

9 MCAR S 1.0204 Lobbyist disbursement reports and reporting.

A. Disbursement reports.

1. A lobbyist shall identify the names and, if known, the registration numbers of other lobbyists for whom he is reporting.

2. On January 15th of each year a lobbyist shall file a current list of names and addresses of directors and officers of the association that he represents if there have been changes in the membership of said boards during the preceding calendar year.

3. A lobbyist disbursement report shall include the total disbursements for the reporting period by the lobbyist, and any employer or employee of the lobbyist, for lobbyist activities in each of the following categories:

a. Preparation and distribution of lobbying materials. This category shall include all disbursements for preparation and distribution of printed material, publication, film, slide, recording and video tape. Lobbying material means any material, except media advertising, which is prepared or purchased by a lobbyist for a lobbying purpose.

(1) Preparation of research material and reports. The cost of researching and writing reports from which data is used in preparing lobbying materials is not reportable as a lobbyist disbursement even if the individual preparing the research material is a registered lobbyist.

(2) Newsletters and publications. The cost of preparation, printing and distribution of a newsletter or other publication, including but not limited to, a reasonable estimate of pro rata office expenses and compensation paid to employees for the preparation of such a publication or a portion of the publication shall be reported as a lobbyist disbursement if used for a lobbying purpose. Only the cost of that portion of a newsletter or publication which is lobbying material shall be reported as a lobbyist disbursement.

b. Media advertising. This category shall include only lobbyist disbursements for billboards, newspapers, radio and television time purchased for a lobbying purpose. The term does not include mere presentation of factual material without comment.

c. Telegraph and telephone. The cost includes a reasonable estimate of a pro rata share of business office telephone expense incurred for lobbying purposes.

d. Postage.

e. Fees and allowances. This category shall include disbursements for consulting fees, or other fees, for services done or to be done, as well as expenses incurred in rendering such services. This category shall not include compensation paid to the lobbyist by his employer for services rendered as a lobbyist on behalf of the employer.

f. Entertainment. This category shall include lobbyist disbursements for entertainment provided to public officials including but not limited to sporting, theatrical and musical events, as well as the cost of entertainment for the lobbyist, and the employer or employee of the lobbyist, when in the company of the public official for a lobbying purpose.

g. Food and beverages. This category shall include:

(1) All disbursements for food and beverages provided to public officials, as well as food and beverages for the lobbyist, and any employer or employee of the lobbyist, when in the company of a public official for a lobbying purpose.

(2) All disbursements for food and beverages provided to public officials who are invited to conferences, conventions, banquets, legislative days or other similar functions for a lobbying purpose.

(3) The cost of food and beverages provided by a lobbyist, the employer or employee of the lobbyist, at meetings or conferences for the purpose of urging others to communicate with public officials.

(4) The cost of food and beverages provided to expert witnesses by a lobbyist, the employer or employee of the lobbyist, when paid expert witnesses are brought to testify before legislative committees or in hearings conducted pursuant to Minn. Stat. S 15.0412, if the paid expert witness does not register as a lobbyist.

h. Travel and lodging. This category shall include:

(1) All disbursements for travel and lodging of the lobbyist, any employer or employee of the lobbyist, or those provided to a public official, for a lobbying purpose, except those incurred for the purpose of enabling the lobbyist, or any employer or employee of the lobbyist, to attend a meeting of or to appear before a committee of the legislature, or a state board, commission or agency.

(2) The cost of travel and lodging for the lobbyist, the employer or employee of the lobbyist when in the company of a public official for a lobbying purpose.

(3) The cost of travel and lodging paid by a lobbyist, the employer or employee of the lobbyist when urging others to communicate with public officials.

(4) The cost of travel and lodging paid by a lobbyist, the employer or employee of the lobbyist, to bring paid expert witnesses to testify before legislative committees or in hearings conducted pursuant to Minn. Stat. S 15.0412, if the paid expert witness does not register as a lobbyist.

(5) The cost of travel and lodging paid by a lobbyist to transport individuals for the purpose of lobbying.

i. Other disbursements. This category shall include a reasonable estimate of a pro rata share of compensation paid to clerical employees incurred for the purpose of lobbying if not reported in categories (a)-(h).

B. Disclosure of gifts, loans, honorariums, items or benefits. The lobbyist shall report the name and address of each public official receiving any gift, honorarium, loan, item or benefit from the lobbyist, or any employer or employee of the lobbyist, equal in value to \$20 or more in a single transaction, to include the amount, the date on which it was received, and a description of the transaction, whether or not it was given for

lobbying purposes, in the following categories:

1. Gifts or benefits. This category shall include, but not be limited to, entertainment, food, beverage, travel and lodging as defined in 9 MCAR 1.0204, given or paid voluntarily by the lobbyist, or any employer or employee of the lobbyist, to a public official without the public official providing full and adequate consideration. This category shall not include campaign contributions.

2. Loans. This category shall include loans, given or paid voluntarily by the lobbyist, or any employer or employee of the lobbyist, to a public official which the public official agrees to return at some future time or to repay with something of value, except loans from financial institutions made in the ordinary course of business on substantially the same terms as those prevailing for comparable transactions with other persons.

3. Honorariums. This category shall include a payment paid voluntarily by the lobbyist, or the employer or employee of the lobbyist, to a public official for services for which there is no obligation to make repayment; for example, honorariums paid for speeches, articles or similar services.

C. Original source of funds. The lobbyist shall report the following information as to the "original source of funds" in excess of \$500 in the calendar year used for the purpose of lobbying: the name, address, and employer, or if self-employed, the occupation and principal place of business, of each original source of funds in excess of \$500. It shall not include the amount paid. For reporting purposes, original source of funds shall mean any individual or association who disburses \$500 or more in any year directly to the lobbyist, or to any employer of the lobbyist, to be used for purposes of lobbying, including fees or salary paid to a lobbyist as compensation.

9 MCAR S 1.0205 Lobbyist retained by more than one employer. A lobbyist retained by or representing more than one employer shall submit a separate lobbyist registration form and separate lobbyist disbursement report for each employer by whom the lobbyist is retained. If a disbursement has been made on behalf of more than one employer, the lobbyist must report a reasonable allocation for each employer.

9 MCAR S 1.0206 Employers which employ more than one lobbyist. If the same person or association employs or is represented by more than one lobbyist, each lobbyist must register separately. However, one registered lobbyist may report all the disbursements for lobbying purposes made by all lobbyists representing a common employer, person or association. In such case, the lobbyist reporting all the disbursements must indicate the names of the other lobbyists for whom disbursements are being reported. A lobbyist, so represented, must file lobbyist disbursement reports specifying the name of the lobbyist who

will report total disbursements on behalf of the joint employer.

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9 MCAR S 1.0207 Lobbyist disbursements for administrative actions. A lobbyist who does legislative and administrative lobbying may file separate reports for the purpose of segregating those disbursements which were incurred for administrative lobbying from those disbursements incurred for legislative lobbying. Unless separate reports are filed the board will treat all disbursements as legislative lobbying disbursements.

9 MCAR S 1.0208 Agency solicitation of outside opinions. For purposes of registration and reporting lobbyist activity, an administrative action commences in administrative rulemaking when a state agency publishes a notice in the State Register, as required by Minn. Stat. S 15.0412, subd. 6, or takes such other formal action provided by law to commence the rulemaking process.

9 MCAR S 1.0209 Late filing fees.

A. The board shall grant a waiver of late filing fees for sickness or injury of the filer, or other compelling reason when a written request for waiver is submitted not later than the fifth business day following the day of filing the late statement or report.

B. A late filing fee shall not be assessed for Saturday, Sunday or legal holidays.

C. The late filing fee shall commence the eighth day following receipt of a late filing notice, unless the eighth day falls on Saturday, Sunday, or a legal holiday. The late filing fee shall then commence the next business day.

D. A late filing fee shall be charged through the business day preceding the day of filing of a late statement or late periodic report.

E. A certified letter returned to the board by the U. S. Post Office marked "refused" shall be deemed to have been received by the addressee on the date of refusal. The late filing fee shall commence the first business day following the seventh day after refusal.

F. Except as provided in 9 MCAR S 1.0209 E., a certified letter returned to the board by the U. S. Post Office undelivered for any reason shall be forwarded by first class mail to the lobbyist, addressed to the lobbyist at the address shown on his latest registration statement or disbursement report. The late filing fee shall then commence the first business day following the seventh day after deposit in first class U. S. mail.

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9 MCAR S 1.0210 Contested case hearing.

A. Representative of a party must register. A representative of a party to a contested case rate proceeding before a state hearing examiner is required to register as a lobbyist provided other qualifying requirements of Minn. Stat. S 10A.01, subd. 11, are met.

B. Attempt to influence appeals. An individual who attempts to influence appeals proceedings which may follow determination of a rate, power plant and powerline siting, or granting of a certificate of need under Minn. Stat. ch. 116H is not required to register as a lobbyist.

Chapter Four: Conflicts of Interest Rules

9 MCAR S 1.0300 Purpose. The purpose of 9 MCAR SS 1.0300-1.0307 is to implement the conflicts of interest provisions of Minn. Stat. ch. 10A.

9 MCAR S 1.0301 Definitions.

(a) "Act" means Minnesota Laws 1974, chapter 470, approved April 12, 1974, and effective April 13, 1974 (Minn. Stat. 1974, section 10A.01-10A.34).

(b) "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.

(c) "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.

Minn. Stat. 10A.01, subd. 4 (1974)

(d) "Calendar year" means the period from January 1 through December 31 inclusive in any given year.

(e) "Financial interest" means any asset owned or controlled by an individual or business which has the potential to produce a monetary return.

(f) "Public official" means:

(1) any member of the legislature;

(2) any person holding a constitutional office in the executive branch and his chief administrative deputy;

(3) any member of a state board or commission with rule making authority as provided in MS 15.1411;

(4) any person employed by the executive branch in a position specified in MS 15A.081;

(5) 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;

(6) any member of the Metropolitan Council, Metropolitan Transit Commission, Metropolitan Sewer Board or Metropolitan Airports Commission.

Minn. Stat. 10A.01, subd. 18, 1974

(g) "Superior for purposes of notification of a potential conflict of interest" means:

(1) if the public official is a member of a board or commission having rule making 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;

(2) 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;

(3) 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,

(4) 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.

APPEND-6
9 MCAR S 1.0302 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.

9 MCAR S 1.0303 Notice of conflict of interest.

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A. 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.

B. Insufficient time available. If a potential conflict of interest presents itself and there is insufficient time to comply with the provisions of A., 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 A.

9 MCAR S 1.0304 Removal from conflict of interest.

A. Non-legislator. If the public official is not a legislator:

1. 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.

2. 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. 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.

b. 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.

c. 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.

B. 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.

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9 MCAR S 1.0305 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.

9 MCAR S 1.0306 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.

9 MCAR S 1.0307 Filing of false statements. Any statement or notice required by 9 MCAR SS 1.0300-1.0307 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.

Chapter Five: Representation Disclosure Rules

9 MCAR S 1.0500 Purpose. The purpose of this chapter is to implement the representation disclosure provisions of Minn. Stat. ch. 10A.

EC 501 Definitions

(a) "Act" means Minnesota Laws 1974, chapter 470, approved April 12, 1974, and effective April 13, 1974 (Minn. Stat. 1974, sec. 10A.01 - 10A.34).

(b) "Address" means street and number (post office box or rural route, if appropriate), room number (if any), city, and zip code.

(c) "Association" means business, corporation, firm, partnership, committee, labor organization, club or any other group of two or more persons, which includes more than an immediate family, acting in concert. Minn. Stat. 10A.01, subd. 3 (1974).

(d) "Fee" means any compensation or other consideration for service done or to be done.

(e) "File", "filed", and "filing" means delivery to the Minnesota State Ethics Commission by midnight of the prescribed date for filing or deposit as certified mail in an established U.S. Post Office, postage prepaid, no later than midnight two days before the prescribed filing date.

(f) "Initial appearance at a hearing" means the first appearance by a public official representing a client for a fee at a hearing on a single subject. If a public hearing on a single subject is continued, the initial appearance means the first appearance by the public official at such hearing.

(g) "Public official" means:

- (1) any member of the legislature;
- (2) any person holding a constitutional office in the executive branch and his chief administrative deputy;
- (3) any member of a state board or commission with rule making authority as provided in MS 15.0411, subd. 3;
- (4) 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;
- (5) any person employed by the executive branch in a position specified in MS 15A.081;
- (6) any member of the Metropolitan Council, Metropolitan Transit Commission, Metropolitan Sewer Board or Metropolitan Airports Commission.

Minn. Stat. 10A.01, subd. 18 (1974).

9 MCAR S 1.0502 Applicability of representation disclosure provisions. The representation disclosure provisions of Minn. Stat. ch. 10A apply to any public official who represents a client for a fee before any individual, board, commission, or agency with rule making authority in a hearing conducted under Minn. Stat. ch. 15 or authority to set rates, site power plants and powerlines, and grant certificates of need under Minn. Stat. ch. 116H. This provision applies only to a public official and does not apply to the official's spouse or family, or to business or professional associates of the official.

9 MCAR S 1.0503 Obligation and time to report. Any public official who represents a client for a fee before any individual, board, commission or agency with rule making authority in a hearing conducted under Minn. Stat. ch. 15, or authority to set rates, site power plants and powerlines, and grant certificates of need under Minn. Stat. ch. 116H shall disclose his participation in the action within 14 days after his initial appearance by filing a representation disclosure statement with the board.

9 MCAR S 1.0504 Required reporting information. Each public official required to report shall provide the following

information:

A. name, address and office held;

B. name and address of each client;

C. the name of the individual, board, commission or agency conducting the hearing and the date and location of the initial appearance at the hearing; and

D. a general description of the subject or subjects on which the public official represented the client in the hearing.

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9 MCAR S 1.0505 Obtaining and filing forms. All representation disclosure statements shall be on the forms made available by the board and must be filed with the board.

9 MCAR S 1.0506 Changes and corrections. Any material changes in information contained in a representation disclosure statement previously submitted, and any corrections, shall be filed in writing with 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.

9 MCAR S 1.0507 Filing of false statements. Any statement required by 9 MCAR SS 1.0500-1.0507 shall be signed and certified to be true by the person required to file the statement. Any person who signs and certifies to be true a statement which he knows contains false information, or who knowingly omits required information, is guilty of a gross misdemeanor.

Chapter Six: Hearings Rules

9 MCAR S 1.0601 Definitions. For the purposes of Chapter Six the terms defined in this rule have the meanings given to them.

A. Board. "Board" means the Ethical Practices Board.

B. Contested case. "Contested case" means a proceeding before the board in which the legal rights, duties or privileges of specific parties are required by law or constitutional right to be determined after a board hearing. "Contested case" includes:

1. a proceeding pursuant to a request for exemption from campaign reporting requirements under Minn. Stat. S 10A.20, subds. 8 and 10;

2. a proceeding to suspend a public official without pay for failure to file a statement of economic interest under Minn. Stat. S 10A.09, subd. 8;

3. a hearing ordered by the board under 9 MCAR S 1.0604 B. concerning a complaint, investigation or audit; and

4. any other hearing which may be ordered by the board under 9 MCAR SS 1.0601-1.0605 or which may be required by law.

"Contested case" does not include a board investigation or audit conducted under Minn. Stat. S 10A.02, subds. 9 and 10.

C. File; filed; filing. "File," "filed," and "filing" mean delivery 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.

D. Party. "Party" means a person whose legal rights, duties, or privileges may be determined in a contested case. "Party" includes the board except when the board participates in the contested case in a neutral or quasi-judicial capacity only. In anonymous proceedings, "party" includes the person designated to appear by the applicant under 9 MCAR S 1.0605. In a contested case commenced by the board following a complaint, "party" includes both the person who filed the complaint and the person against whom it was filed.

E. Person. "Person" means any individual, partnership, corporation, joint stock company, unincorporated association or society, or any government or governmental subdivision, unit or agency, other than a court of law.

F. Service; serve. "Service" or "serve" means service by certified mail addressed to the party at the last known address of that party, unless some other manner of service is required by law or permitted by Chapter Six.

EC 603 Complaints, investigations & audits.

(a) Complaints. Any person authorized by law to submit to the commission a complaint that any person has not complied with the requirements of Minn. Stat. S 10A.01-10A.34 (1974) may request that the commission investigate the alleged noncompliance by filing a complaint. A complaint shall contain:

(1) the name and address of the complainant;

(2) the name of the person against whom the complaint is made;

(3) the statutory sections which the complainant believes have been violated and the basis for complainant's belief, together with any evidentiary material;

(4) a statement that the complainant understands that any hearing or action of the commission concerning any complaint or investigation shall be confidential and all information obtained by the commission shall be privileged until the commission makes a finding as to whether there is probable cause to conclude that a violation of Minn. Stat. S 10A.01-10A.34 (1974) or other campaign laws has occurred, and that any person violating the confidentiality provisions shall be guilty of a gross misdemeanor;

(5) the signature of the complainant;

(6) verification by oath or affirmation of the complainant, taken before any officer authorized to administer oaths.

Any person having knowledge of a violation of Minn. Stat. S 10Aa01-10A.34 (1974) may informally notify the commission of the alleged violation without filing a complaint.

(b) Investigations & audits

(1) Upon receipt of a complaint, the commission or its employees shall undertake an investigation into the allegations contained therein. Immediately following receipt of a complaint, the executive director of the commission shall inform the person complained against that a complaint has been filed against him.

(2) The commission may also undertake investigations or audits with respect to statements and reports which are filed or should have been filed under the provisions of Minn. Stat. S 10A.01-10A.34 (1974) although no complaint has been filed. Any decision as to whether an investigation should be undertaken shall be made at a closed meeting of the commission.

(3) All investigations and audits shall be conducted in an expeditious manner, but with regard for fundamental fairness. Within a reasonable time after undertaking an investigation or audit, the executive director of the commission shall inform the person under investigation or audit of the fact of the investigation or audit. The commission shall make no final decision on any investigation or audit unless the person under investigation or audit has been informed of the charges against him and has had the opportunity to make a statement to the commission or its employees or agents.

(4) At any time during an investigation or audit, the commission, in its discretion, may hold a contested case hearing pursuant to these rules before making a finding on any investigation or audit.

(5) At the conclusion of an investigation or audit or after a hearing thereon, if such hearing has been ordered, the commission shall take the following action:

(aa) the commission may make a finding that there is or is not probable cause to conclude that a violation of Minn. Stat. S 10A.01-10A.34 (1974) or other campaign laws has occurred. After such determination the commission shall report any finding of probable cause to the appropriate law enforcement authorities; or

(bb) the commission may authorize the commencement of a civil action for injunctive or other appropriate relief; or

(cc) the commission may take action as provided by both (aa) & (bb) above.

(c) Confidentiality. Any hearing or action of the commission concerning any complaint, audit, or investigation shall be confidential and all information obtained by the commission shall be privileged until the commission makes a finding as to probable cause. Any person, including any member or employee of the commission, violating the confidentiality provisions of this subdivision shall be guilty of a gross misdemeanor.

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9 MCAR S 1.0604 Initiating a contested case.

A. Initiation by application. Any person requesting an exemption under Minn. Stat. S 10A.20, subds. 8 and 10, or any other person whose rights, privileges, and duties the board is authorized by law to determine after a hearing, may initiate a contested case by making application. Except in anonymous proceedings, an application shall contain:

1. the name and address of the applicant;
2. a statement of the nature of the determination requested including the statutory sections on which the applicant wishes a determination made and the reasons for the request;
3. the names and addresses of all persons known to the applicant who will be directly affected by such determination; and
4. the signature of the applicant.

B. Initiation by board order. Where authorized by law, the board may order a contested case commenced to determine the rights, duties and privileges of specific parties.

9 MCAR S 1.0605 Initiating anonymous proceedings.

A. Authority. Any person making application for an exemption from campaign reporting requirements under Minn. Stat. S 10A.20, subds. 8 and 10, may proceed anonymously if the board determines that identification of the person for the purpose of the hearing would result in exposure to economic reprisals, loss

of employment, or threat of physical coercion.

B. Application. Any person wishing to proceed anonymously under this rule shall make an application under 9 MCAR S 1.0604 A., which shall contain:

1. a name by which the person wishes to be known for the purposes of the proceeding;
2. the name and address of a person upon whom service can be made;
3. a statement of the facts which lead the applicant to believe that identification of the applicant for purposes of the hearing would result in exposure to economic reprisals, loss of employment or threat of physical coercion;
4. the name and address of a person who will appear for the applicant during the proceedings if the applicant wishes to remain anonymous. The person may be the same person on whom service is to be made;
5. a statement of the facts which lead the applicant to believe that exposure to economic reprisal, loss of employment or threat of physical coercion would result from the applicant's compliance with the reporting and disclosure requirements of Minn. Stat. S 10A.20; and
6. the signature of the applicant in the name by which the person wishes to be known during the proceedings or the signature of the person designated to appear for the applicant.

C. Determination. Upon receipt of an application for initiation of anonymous proceedings, the board may require the applicant or the person designated to appear for the applicant to appear before a closed meeting of the board with appropriate precautions taken to preserve the anonymity of the applicant from persons other than the board and its employees. The purpose of the appearance is to enable the board to decide whether an anonymous proceeding is required.