

7406.0360 DEPUTY REGISTRAR APPOINTMENT BY COMMISSIONER.

Subpart 1. **In general.** A deputy registrar appointment can only be made for an approved office location that qualifies under part 7406.0300.

A. Only the commissioner has the authority to make a deputy registrar appointment.

B. The commissioner shall appoint a deputy registrar for a county or city when the government entity accepts an offer for appointment of a deputy registrar and verifies to the commissioner that the individual to be appointed meets the qualifications for a deputy registrar specified in this chapter and Minnesota Statutes, section 168.33.

C. When the county board and the city both decline to have a deputy registrar appointed, and the commissioner believes the appointment is in the public interest, the commissioner shall proceed to appoint a deputy registrar at an approved office location as specified in this part.

Subp. 2. **Publication of vacancy.** When (1) an office location is approved by the commissioner, (2) the county board and city both decline the appointment of a clerk or official as a deputy registrar, and (3) the commissioner still approves the office location and wants to appoint a deputy registrar, then the commissioner, as the appointing authority, shall publish notice of the deputy registrar vacancy for the approved office location.

A. The notice must be published for two successive weeks in a qualified newspaper in the county where the approved office is located.

B. The notice must be published within 30 days after both the county and city decline the appointment of a deputy registrar.

C. The notice must contain at least the following information:

- (1) the geographic location of the approved office location;
- (2) information on how to obtain an application for the appointment; and
- (3) the deadline for submitting the application to the commissioner.

Subp. 3. **Restriction on processing proposed office locations.** Once a request for approval of a proposed office location has been submitted to the commissioner for consideration, no other requests for approval of a proposed office location may be made for that proposed office location or a location within a 15-mile radius of that proposed office location until:

A. the commissioner either approves the proposed office location or all appeals associated with a disapproval have been resolved; and

B. the appointment process for the approved office location under this chapter is completed.

Subp. 4. **Application for appointment.** An application for a deputy registrar appointment must be submitted to the commissioner on a form provided or approved by the commissioner and must contain the following information:

A. the full name, address, states of residency for the last five years, date of birth, and telephone number of the applicant, who must be age 18 or older, and each person named on the application;

B. whether the applicant is an individual, public entity, or a corporation and, if a corporation:

- (1) a listing of each director, officer, and five percent shareholder;
- (2) the nature of the corporate business operations for the past five years;
- (3) a listing of all trade or business names used by the corporation; and
- (4) a copy of the Articles of Incorporation filed with the Secretary of State;

C. whether a person named on the application has or had any other license with a federal, state, or municipal government agency, the current status of that license, and an explanation of any cancellation, revocation, suspension, or other disciplinary proceeding in connection with the license;

D. whether a person named on the application owns or is a partner, officer, or five percent shareholder in a financial institution, motor vehicle dealership, or automobile insurance business;

E. the name, address, date of birth, and telephone number of the person who will be responsible for the day-to-day operation of the proposed office location, if known;

F. the address of the proposed office location;

G. a floor plan of the proposed office, including the area and dimensions of the space allocated for the processing area, public service area, and storage area;

H. information regarding work experience and training as specified on the application;

I. a history of deputy registrar appointments of each person, public entity, and corporation named on the application, including each prior deputy registrar appointment applied for or granted and the dates of the application or appointment, and, if applicable, the date and reasons why a deputy registrar appointment application was denied or an appointment was suspended, revoked, or canceled;

J. a certified copy of the criminal history of each person named on the application and, if the person is a nonresident or has resided in Minnesota for less than five years, a certified copy of a criminal records check of the national criminal records repository including the criminal justice data communications network; and

K. the signature of each person named on the application, verifying that the information on the application is true. The signatures must be notarized.

Subp. 5. **Criminal history check.** The commissioner may conduct a criminal history check at any time while a person is serving as a deputy registrar.

Subp. 6. **Change in deputy registrar conditions.** A deputy registrar shall report changes or anticipated changes of the information in subpart 4 to the commissioner.

A. The changes must be reported in a format prescribed by the commissioner, within ten days of the date the change is to occur or within ten days of the date the deputy registrar learns that the changes will occur, whichever occurs first.

B. Changes are subject to approval by the commissioner.

C. A change without prior approval of the commissioner is cause for discontinuance of an appointment if the change violates this chapter or Minnesota Statutes, section 168.33.

Subp. 7. **Reasons to deny deputy registrar appointment.** The registrar shall deny a deputy registrar application or appointment for any of the reasons listed in items A to H:

A. The application or an item filed with the application does not meet the requirements of subpart 4.

B. A person named on the application was or is an owner, partner, officer, director, or five-percent shareholder of an office whose deputy registrar appointment is currently discontinued or who is involved in an investigation or proceeding that could result in discontinuance of an appointment.

C. A person named on the application has been convicted of a felony.

D. A person named on the application has been convicted of any crime of the following types:

- (1) affecting a public officer or employee;
- (2) of theft or a related crime;
- (3) of forgery or a related crime; or
- (4) that directly relates to the position of a deputy registrar.

Convictions include convictions of a crime in another jurisdiction that, if committed in Minnesota, would be a violation of a Minnesota statute.

E. The applicant's proposed office location does not meet the requirements under part 7406.0300 or 7406.0400.

F. The commissioner of revenue notifies the commissioner, or the commissioner has sufficient cause to believe, that a person named on the application owes the state delinquent taxes, penalties, or interest.

G. A person named on the application owns or is a partner, officer, or five-percent shareholder in a financial institution, motor vehicle dealership, or automobile insurance business.

H. An application for appointment is filed that is incomplete or that contains a statement that is false, misleading, fraudulent, or otherwise constitutes a misrepresentation.

Statutory Authority: *MS s 14.06; 168.33; 299A.01*

History: *20 SR 2784; 29 SR 97*

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