

May 30, 2024

VIA EFILING ONLY

Terri Thorson
Attorney at Law
Department of Commerce
85 Seventh Pl E Ste 280
Saint Paul, MN 55105
terri.thorson@state.mn.us

Re: *In the Matter of the Proposed Exempt Rules of the Department of Commerce Relating to Security Regulation, Minnesota Rules Parts 2860.1200, 2860.2200, 2860.2500. 2876.4050, 2876.4061, and 2876.4117*
OAH 65-9009-40027; Revisor R-4859

Dear Terri Thorson:

Enclosed herewith and served upon you by mail is the **ORDER ON REVIEW OF RULES UNDER MINN. STAT. § 14.388 AND MINN. R. 1400.2400** in the above-entitled matter. The amendments to the rule parts are exempt from the rulemaking requirements of Minn. R. ch. 1400 (2023) pursuant to the good cause exemption in Minn. Stat. § 14.388 (2022).

With the approval of the adopted rules, the Office of Administrative Hearings has closed this file and is returning the rule record to the Department so that the Department can maintain the official rulemaking record in this matter as required by Minn. Stat. § 14.365 (2022). Upon submission to the Office of Administrative Hearings of the Department's signed order approving the rules, the Office of Administrative Hearings will file the rules with the Secretary of State. The Department's next step is to arrange for publication of the proposed amendments in the State Register as required by Minn. Stat. § 14.388, subd. 1 (2022).

If you have any questions regarding this matter, please contact William Moore at (651) 361-7893, william.t.moore@state.mn.us or via facsimile at (651) 539-0310.

Sincerely,


MAJESTE PHILLIP
Legal Specialist

Enclosure

cc: Legislative Coordinating Commission
Ryan Inman

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
ADMINISTRATIVE LAW SECTION
PO BOX 64620
600 NORTH ROBERT STREET
ST. PAUL, MINNESOTA 55164

CERTIFICATE OF SERVICE

In the Matter of the Proposed Exempt Rules of the Department of Commerce Relating to Security Regulation, Minnesota Rules Parts 2860.1200, 2860.2200, 2860.2500. 2876.4050, 2876.4061, and 2876.4117	OAH Docket No. 65-9009-40027
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On May 30, 2024, a true and correct copy of the **ORDER ON REVIEW OF RULES UNDER MINN. STAT. § 14.388 and MINN. R. 1400.2400** was served by electronic mail, unless otherwise indicated below, addressed to the following:

VIA EFILING ONLY

Terri Thorson
Minnesota Department of Commerce
85 E Seventh PI Ste 280
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terri.thorson@state.mn.us

VIA EMAIL ONLY

Legislative Coordinating Commission
lcc@lcc.leg.mn

VIA EMAIL ONLY

Ryan Inman
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STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Proposed Exempt
Rules of the Department of Commerce
Relating to Security Regulation,
Minnesota Rules Parts 2860.1200,
2860.2200, 2860.2500. 2876.4050,
2876.4061, and 2876.4117

**ORDER ON REVIEW
OF RULES UNDER
MINN. STAT. § 14.388
AND MINN. R. 1400.2400**

This matter came before Administrative Law Judge Ann C. O'Reilly upon the request of the Minnesota Department of Commerce (Department) for a legal review of the above-entitled rules under Minn. Stat. § 14.388 (2022) and Minn. R. 1400.2400 (2023).

On May 20, 2024, the Department filed documents with the Office of Administrative Hearings seeking review and approval of the above-entitled rules under Minn. Stat. § 14.388 and Minn. R. 1400.2400.

On May 13, 2024, the Department served a Notice of Submission of Rules Proposed for Adoption Without a Public Hearing (Notice): (1) by U.S. mail on 69 subscribers listed on its agency rulemaking list; and (2) by email on 108 subscribers listed on its agency rulemaking list.

The deadline for filing comments expired at the end of the day on May 28, 2024. No written comments were received. The rulemaking record closed at the expiration of the comment period.

Based upon a review of the written submissions by the Department,

IT IS HEREBY DETERMINED THAT:

1. The Department has the statutory authority to adopt the rules under Minn. Stat. §§ 80A.82 and 80C.18 (2022).

2. The proposed amendments to Minn. R. 2860.1200, subp. 4, 2860.2200, and 2860.2500, subp. 1, incorporate specific changes made to statutes in 1991 Minn Laws ch. 233, §§ 45, 46, and 47 (amending Minn. Stat. §§ 80C.04, subd. 1, 80C.07, and 80C.08, subd. 1), and require no interpretation of law.

3. The proposed amendments to Minn. R. 2876.4050, subp. 2, 2876.4061, subp. 2, and 2876.4117, subps. 1, 4 change references to "Part II" to "Part 2", consistent with changes to the United States Securities and Exchange Commission (SEC) Form ADV made in 2010. These changes that do not alter the sense, meaning, or effect of the rules.

4. Accordingly, the Department may use the good cause exemption process for amending the rules set forth in Minn. Stat. §§ 14.386 and 14.388, subd. 1(3) and (4), and Minn. R. 1400.2400.

5. The rule amendments comply with the procedural requirements of Minn. Stat. §§ 14.388, and Minn. R. 1400.2100 A, D, E, F, G and 1400.2400 (2023).

6. The Department has complied with all procedural requirements of law and rule necessary to proceed with good cause exempt rulemaking.

IT IS HEREBY ORDERED THAT:

The proposed exempt rule amendments are **APPROVED**.

Dated: May 30, 2024

A handwritten signature in black ink, appearing to read 'A. O'Reilly', is positioned above a horizontal line.

ANN C. O'REILLY
Administrative Law Judge