

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

112

MINNESOTA STATE REGULATIONS

Notice of filing by the Commissioner of Administration

We have received on this date, stamped and filed 2 copies of Rules and Regulations pertaining to the Ethics Commission
(Agency or Board)

Regulation No. EC 300 thru 507 (new)

Subject: Conflict of Interest

Department of Administration
Publication, Central Services Division
Documents Section
140 Centennial Office Building
St. Paul, Minnesota 55155
Telephone: (612) 296-2874

FILED
RICHARD L. BRUBACHER
Commissioner of Administration
JAN 31 1975 2:05 pm
BY Eda Staudenmaier
AUTH. SIGNATURE EJ

Stamped and filed with the Secretary of State 1-31-75

Rev. 9-72

Joan Swartz
Special Assistant Attorney General
160 State Office Building

January 31, 1975

- EC 300 - EC 307 and EC 500 - EC 507

STATE OF MINNESOTA

COUNTY OF RAMSEY

STATE ETHICS COMMISSION

- - - - - - - - - - - - - - - - -

In the matter of the Proposed Adoption of Rules of the State Ethics Commission Governing Public Officials' Conflicts of Interest (EC 300-EC 307) and Representation Disclosure (EC 500-EC 507)

ORDER FOR HEARING

- - - - - - - - - - - - - - - - -

To effectively implement Minnesota Laws 1974, Chapter 470, the Minnesota State Ethics Commission deems it necessary to consider adoption of the proposed rules captioned above pursuant to the authority vested in the Commission by said Chapter 470, Section 2, subd. 13.

NOW, THEREFORE, IT IS ORDERED this 13th day of November, 1974, that a public hearing on the proposed rules captioned above be held in Room 112, State Capitol, Saint Paul, Minnesota, on December 18, 1974, commencing at 7:00 P.M., and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard.

IT IS FURTHER ORDERED, that notice of said hearing be given to all representatives of associations or other interested groups or persons who have registered their names with the Secretary of State for that purpose and all persons who are presently members of the Minnesota Legislature.

STATE OF MINNESOTA
ETHICS COMMISSION

By Spencer Sokolowski
Spencer Sokolowski, Chairman

STATE OF MINNESOTA

COUNTY OF RAMSEY

STATE ETHICS COMMISSION

- - - - - - - - - - - - - - - -

In the matter of the Proposed Adoption of Rules of the State Ethics Commission Governing Public Officials' Conflicts of Interest (EC 300-EC 307) and Representation Disclosure (EC 500-EC 507)

NOTICE OF HEARING

- - - - - - - - - - - - - - - -

NOTICE IS HEREBY GIVEN that a public hearing will be held pursuant to Minnesota Statutes Section 15.0412 (1973) and Minnesota Laws 1974, Chapter 470, in the above-entitled matter, in Room 112, State Capitol, Saint Paul, Minnesota on December 18, 1974, commencing at 7:00 P.M., and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard concerning adoption of the proposed rules captioned above by submitting either oral or written data, statements or arguments. Statements or briefs may be submitted in writing without appearing at the hearing by mailing to the Minnesota State Ethics Commission, Room 74, State Office Building, Saint Paul, Minnesota 55155, at any time prior to closing of the record. The record shall close at 4:30 P.M. on January 8, 1975.

Copies of the proposed rules and forms are now available and may be obtained by writing to the office of the Commission at the address below. Additional copies will be available at the door on the date of the hearing.

These rules are proposed rules only and are subject to alterations or modifications as the Commission deems necessary and appropriate from its consideration of all the evidence adduced at the public hearing and all statements entered into the record.

Dated this 13th day of November, 1974.

MINNESOTA STATE ETHICS COMMISSION

By Spencer Sokolowski
Spencer Sokolowski, Chairman

Minnesota State Ethics Commission
Room 74, State Office Building
Saint Paul, Minnesota 55155

Telephone: 612-296-5148
612-296-5149

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

Elsa M. Carpenter, being first duly sworn upon oath, deposes and says:

1. That she is a staff associate in the Office of the Ethics Commission for the State of Minnesota.

2. That on the 13th day of Nov, 1974, she went to the Secretary of State's office for the State of Minnesota and requested a current list of all representatives of associations or other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules pursuant to Minn. Stat. §15.0412.

3. That on the 13th day of Nov, 1974, in response to the above request, the Secretary of State provided her with such a list, a copy of which is attachaed hereto and incorporated by reference.

Further affiant sayeth not.

Elsa M. Carpenter

Subscribed and sworn to before me
This 13th day of Nov., 1974.

Helen Oslund

Notary Public

HELEN OSLUND
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My Comm. Expires Jan. 8, 1978

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

CERTIFICATE

In the matter of the Proposed
Adoption of Rules and Regulations
to be promulgated by the State
Ethics Commission

I hereby certify that the attached labels constitute the complete list of perons, associations, and other interested groups who as of 9:30 o'clock a m., this 13th day of Nov., 1974, have requested, pursuant to M.S. 1969, § 15,04~~21~~, 12 that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

Arlen I Erdahl
ARLEN I. ERDAHL
Secretary of State
State of Minnesota

By Cecil Dixon

STATE OF MINNESOTA)
)
COUNTY OF RAMSEY)

In the matter of the Proposed Adoption of Conflict of Interest Rules and Regulations and Representation Disclosure Rules and Regulations to be promulgated by the State Ethics Commission

AFFIDAVIT

OF MAILING

Susan M. Scott

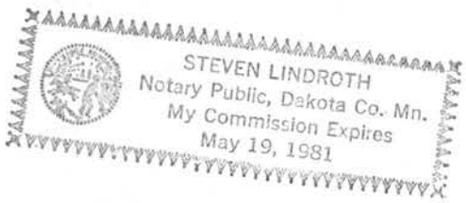
Susan M. Scott, being first duly sworn, deposes and says:

That on the 15th day of November, 1974, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Hearing by depositing in the United States mail at said City of St. Paul, a true and correct copy thereof enveloped, with postage prepaid, to all persons and associations at the addresses listed on the attached certificate of the Secretary of State.

Susan M. Scott

Subscribed and sworn to before me this 15th day of Nov., 1974.

Steven Lindroth



STATE OF MINNESOTA

COUNTY OF RAMSEY

STATE ETHICS COMMISSION

- - - - - - - - - - - - - - - - -

In the matter of the proposed Adoption of Rules of the State Ethics Commission Governing Public Officials' Conflicts of Interest (EC 300-EC 307) and Representation Disclosure (EC 500-EC 507)

STATEMENT OF NEED

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The above captioned rules are not amendments to existing rules of the State Ethics Commission.

The need to adopt these rules arises in order to enable the State Ethics Commission to implement the public officials' conflict of interest and representation disclosure requirements of Minn. Stat. §§ 10A.07 and 10A.08 (1974), as provided in Minn. Stat. 10A.02, subd. 13 (1974), and to provide public officials and the public with information regarding the scope of Minn. Stat. §§ 10A.07 and 10A.08 (1974).

These rules are necessary in order that public officials may inform their superiors and the Commission of any potential conflicts of interest with which they are faced and, if possible, remove themselves from such situations, as required by Minn. Stat. § 10A.07 (1974) and so that public officials who represent clients for a fee before state boards or agencies may inform the Commission as required by Minn. Stat. § 10A.08 (1974). These rules are further necessary in order that the Commission may make available forms for reporting conflicts of interest and representation.

Dated: January 10, 1975

MINNESOTA STATE ETHICS COMMISSION

By Spencer Sokolowski

Spencer Sokolowski, Chairman

STATE OF MINNESOTA

COUNTY OF RAMSEY

STATE ETHICS COMMISSION

- - - - - - - - - - - - - - - -

In the matter of the proposed Adoption of Rules of the State Ethics Commission Governing Public Officials' Conflicts of Interest (EC 300-EC 307) and Representation Disclosure (EC 500-EC 507)

FINDINGS OF FACT

- - - - - - - - - - - - - - - -

The above-entitled matter came on for hearing before the Minnesota State Ethics Commission [hereinafter the Commission] on the 18th day of December, 1974, at 7:00 p.m. in Room 112 of the State Capitol, Saint Paul, Minnesota, after proper notice required by Minnesota Statutes § 15.0412 (1971) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose and upon all members of the Minnesota Legislature.

After affording all persons an opportunity to present written and oral data, statements and arguments, having considered all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, the Commission finds the following:

1. Public officials are required by Minn. Stat. § 10A.07 subd. 1 (1974) to inform their superiors and the Minnesota State Ethics Commission whenever in the discharge of their official duties they are required to take an action or make a decision which would substantially affect their financial interests.

2. For purposes of such notification, if the public official is a member of a state board or commission, a metropolitan agency, or an employee of a state agency, his or her superior is the Chairperson of such board, commission or agency or the head of the department. If the Chairman or the department head is involved in the potential conflict of interest, it would be appropriate for the public official to notify the appointing authority for that office.

3. If the public official is a member of the staff of the legislature, it would be appropriate for the public official to notify the chief clerk of the house or the secretary of the senate, or if the potential conflict might involve them, the presiding officer of the legislative body which the official serves.

4. If the public official is a constitutional officer, there is no appropriate person to whom notice could be given.

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5. Minn. Stat. § 10A.07 subd. 2 requires that the superior of the public official assign the matter to another employee, if possible.

6. If the official has no superior, it is appropriate for him to assign the matter to another person or, if legally required to decide the matter, to notify all affected parties of the potential conflict.

7. Minn. Stat. § 10A.08 (1974) requires any public official who represents a client for a fee before any state board or agency to notify the Commission of his or her representation within 14 days after his or her appearance.

8. If the public official represents a client before a state board or agency over a period of time, it is in the public interest to require the official to notify the Commission within 14 days after the date of the initial appearance.

Dated: January 10, 1975

MINNESOTA STATE ETHICS COMMISSION

By Spencer Sokolowski
Spencer Sokolowski, Chairman

STATE OF MINNESOTA

COUNTY OF RAMSEY

STATE ETHICS COMMISSION

- - - - - - - - - - - - - - - -

In the matter of the Proposed Adoption of Rules of the State Ethics Commission Governing Public Officials' Conflicts of Interest (EC 300-EC 307) and Representation Disclosure (EC 500-EC 507)

CERTIFICATE OF COMMISSION'S ADOPTION OF RULES RESOLUTION

- - - - - - - - - - - - - - - -

I, Rosemary Davis, do hereby certify that I am secretary of the Minnesota State Ethics Commission, a commission duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Commission duly and properly called and held on the 10th day of January, 1975; that a quorum was present at said meeting; that a majority of those present voted for the resolution; that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that the rules governing public officials' conflict of interest (EC 300-307) and representation disclosure (EC 500-507) be and they hereby are approved and adopted, pursuant to authority vested in us by Laws of Minnesota 1974, chapter 470, section 2, subdivision 13, and that Spencer Sokolowski, Chairman of the Minnesota State Ethics Commission, be and he hereby is authorized to sign an order adopting those rules."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 10th day of January, 1975.

Rosemary Davis

Rosemary Davis, Secretary

Spencer Sokolowski

Attest by one other Officer.

STATE OF MINNESOTA

COUNTY OF RAMSEY

STATE ETHICS COMMISSION

- - - - - - - - - - - - - - - - -

In the matter of the Proposed Adoption of Rules of the State Ethics Commission Governing Public Officials' Conflicts of Interest (EC 300-EC 307) and Representation Disclosure (EC 500-EC 507)

CERTIFICATE OF COMMISSION'S AUTHORIZING RESOLUTION

- - - - - - - - - - - - - - - - -

I, ROSEMARY DAVIS, do hereby certify that I am secretary of the Minnesota State Ethics Commission, a commission duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Commission duly and properly called and held on the 8th day of November, 1974; that a quorum was present at said meeting; that a majority of those present voted for the resolution; that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that Spencer Sokolowski, Chairman of the Minnesota State Ethics Commission, be and he hereby is granted the authority and directed to call a hearing for the purpose of promulgating rules of the Commission governing public officials' conflicts of interest and representation disclosure, as well as perform any and all acts incidental thereto, including but without being limited to, signing an order for hearing and notice of hearing as well as acting as presiding officer at all hearings."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 22 day of November, 1974.

MINNESOTA STATE ETHICS COMMISSION

Rosemary Davis

Rosemary Davis, Secretary

Spencer Sokolowski

Attest by one other officer

STATE OF MINNESOTA

COUNTY OF RAMSEY

STATE ETHICS COMMISSION

- - - - - - - - - - - - - - - - -

In the matter of the Proposed Adoption of Rules of the State Ethics Commission Governing Public Officials' Conflicts of Interest (EC 300-EC 307) and Representation Disclosure (EC 500-EC 507)

ORDER ADOPTING RULES

- - - - - - - - - - - - - - - - -

The above-entitled matter came on for hearing before the Minnesota State Ethics Commission on the 18th day of December 1974, at 7:00 p.m. in Room 112 of the State Capitol, Saint Paul, Minnesota, after proper notice required by Minnesota Statutes § 15.0412 (1971) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards or criteria, and having confirmed the need for the above-captioned rules:

NOW, THEREFORE, IT IS ORDERED that these rules identified as EC 300-307 and EC 500-507 are adopted this 10th day of January, 1975, pursuant to authority vested in the Commission by Laws of Minnesota 1974, chapter 470, section 2, subdivision 13.

MINNESOTA STATE ETHICS COMMISSION

By Spencer Sokolowski

Spencer Sokolowski, Chairman

STATE OF MINNESOTA

STATE ETHICS COMMISSION

COUNTY OF RAMSEY

- - - - - - - - - - - - - - - - -

In the matter of the Proposed Adoption of Rules of the State Ethics Commission Governing Public Officials' Conflicts of Interest (EC 300-EC 307) and Representation Disclosure (EC 500-EC 507)

STATEMENT OF COMPLIANCE WITH MANUAL OF RULE MAKING PROCEDURES

- - - - - - - - - - - - - - - - -

I, Special Assistant Attorney General Joan Swartz, do hereby declare that I have examined the proposed rules and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed. Any exceptions are noted below.

Joan Swartz
Special Assistant Attorney General

Dated: January 16, 1975

MINNESOTA STATE ETHICS COMMISSION

PROPOSED CONFLICT OF INTEREST RULES AND REGULATIONS

EC 300 - EC 307

EC 300. Purpose of the Rules

The purpose of Rules EC 300 - EC 307 is to impliment the conflict of interest provisions of Minnesota Laws 1974 (Minnesota Statutes, 1974, Sec. 10A.01-10A.34), hereinafter "the Act".

EC 301. 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 with $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 rulemaking authority, or a member of a metropolitan agency, the chairman of such board, commission or agency, or, if the potential conflict of interest involves the chairman, the superior shall be deemed to be the appointing authority for that office;

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.

EC 302. Applicability of the Conflict 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 Conflict of Interest Notice (EC Form 6), unless the effect on him is no greater than on other members of his business classification, profession or occupation.

EC 303. Notice of Conflict of Interest

A. Whenever a public official is required to file a conflict of interest statement he shall prepare a Conflict of Interest Notice (EC Form 6) describing the matter requiring action or decision and the nature of his potential conflict of interest. The public official shall deliver copies of the Conflict of Interest Notice (EC Form 6) to the Minnesota State Ethics Commission and to his superior or that person deemed to be his superior for purposes of notification if any. A legislator shall deliver a copy of the Conflict of Interest Notice (EC Form 6) to the Commission and to the presiding officer of the house in which he serves.

B. If a potential conflict of interest presents itself and there is insufficient time to comply with the provisions of EC 303 A, the public official shall orally inform his superior, or that person deemed to be his superior for purposes of notification, if any, of the potential conflict. He shall file a Conflict of Interest Notice (EC Form 6) with the Minnesota State Ethics Commission within one week after the potential conflict presents itself. This Notice shall indicate the reason for non-compliance with the provisions of EC 303 A.

EC 304. Removal from Conflicts of Interest

A. Subsequent to the filing of a Conflict of Interest Notice (EC Form 6), or subsequent to oral notice of a potential conflict of interest by a public official, his superior shall assign the matter, if possible, to another employee who does not have a potential conflict of interest.

B. 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:

1. Where the public official having the potential conflict of interest is not required by law to determine the matter, he shall either
   (a) assign the matter to a subordinate for disposition or,
   (b) request the appointing authority to designate another to determine the matter.
2. 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 by providing these parties with copies of the Conflict of Interest Notice (EC Form 6).

3. Where the public official having the potential conflict of interest must be present at a meeting for purposes of establishing a quorum, he may attend such meeting but shall not participate in any vote or offer any motion other than those necessary for the routine conduct of business.

C. 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.

EC 305. Place for Obtaining and Filing Forms

All Conflict of Interest Notices (EC Form 6) shall be on the forms made available by the Minnesota State Ethics Commission and must be filed with that Commission.

EC 306. Changes and Corrections

Any material changes in information contained in a Conflict of Interest Notice (EC Form 6) previously submitted, and any corrections, shall be reported in writing to the Commission 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.

EC 307. Filing of False Statements

Any statement or notice required by these rules 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 report or statement which he knows contains false information or who knowingly omits required information is guilty of a felony.

EC Form 6
Approved _____

STATE OF MINNESOTA

Please type or print in ink.
Do not use abbreviations.

ETHICS COMMISSION

Telephone 612-296-5148
Room 74
State Office Building
Saint Paul, Minnesota 55155

CONFLICT OF INTEREST NOTICE

1. Name of Public Official

_____
Last First Middle

2. Address

_____
Office and/or Street Number City State Zip

_____
Telephone (include area code)

3. Office Held by Public Official

_____

4. Describe the action or decision which presents a potential conflict of interest:

_____

_____

_____

5. Describe the nature of the financial interest which presents the potential conflict of interest:

_____

_____

_____

6. Identify who has been notified of your potential conflict of interest in addition to the Ethics Commission:

_____ _____

_____ _____

Were the individuals identified above, if any, notified of your potential conflict of interest by written notice:

Yes ☐ No ☐

If the individuals identified above did not receive written notice of your potential conflict of interest indicate below why it was not possible to give written notice:

_____

_____

I, _____, CERTIFY THAT THE INFORMATION ON THIS CONFLICT OF INTEREST NOTICE IS COMPLETE, TRUE AND CORRECT.

_____
Signature

_____
Date

November 18, 1974

MINNESOTA STATE ETHICS COMMISSION

PROPOSED REPRESENTATION DISCLOSURE RULES AND REGULATIONS

EC 500 - EC 507

EC 500. Purpose of the Rules

The purpose of Rules EC 500 - EC 507 is to implement the representation disclosure provisions of Minnesota Laws 1974, Chapter 470 (Minnesota Statutes, 1974, Sec. 10A.01 - 10A.34), hereinafter "the Act".

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 that 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).

EC 502. Applicability of Representation Disclosure Provisions

The representation disclosure provisions of the Act apply to any public official who represents a client for a fee before any board or commission with rule-making authority in a hearing conducted under Minnesota Statutes, Chapter 15. 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.

EC 503. Obligation and Time to Report

Any public official who represents a client for a fee before any board or commission which has rule-making authority in a hearing conducted under Minnesota Statutes, Chapter 15, shall disclose his participation in the action within 14 days after his initial appearance by filing a Representation Disclosure Statement (EC Form 7) with the Minnesota State Ethics Commission. For purposes of this section the authority of a board or commission to hear contested cases under Minnesota Statutes, Chapter 15, is the same as having rule-making authority.

EC 504. Required Reporting Information

Each public official required to report shall provide the following information:

1. Name, address and office held;

2. Name and address of each client;

3. The name of the board or commission with rule-making authority conducting the hearing and the date and location of the initial appearance at the hearing;

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

EC 505. Place to Obtain and File Forms

All Representation Disclosure Statements (EC Form 7) filed with the Minnesota State Ethics Commission shall be on forms issued by the Minnesota State Ethics Commission.

EC 506. Changes and Corrections

Any material changes in information previously submitted and any corrections to a Representation Disclosure Statement (EC Form 7) shall be filed in writing with the Minnesota State Ethics Commission 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.

EC 507. Penalty for False Statements

Any report or statement required by these rules shall be signed and certified to be true by the person required to file the report. Any person who signs and certifies to be true a report or statement which he knows contains false information, or who knowingly omits required information, is guilty of a felony.

EC Form 7
Approved _____

Please type or print in ink.
Do not use abbreviations.

STATE OF MINNESOTA

ETHICS COMMISSION

Telephone: 612-296-5148
Room 74
State Office Building
Saint Paul, Minnesota 55155

REPRESENTATION DISCLOSURE STATEMENT

1. NAME OF PUBLIC OFFICIAL

_____
Last First Middle

2. ADDRESS OF PUBLIC OFFICIAL

_____
Office and/or Street Number City State Zip

_____
Telephone Number (include area code)

3. OFFICE HELD BY PUBLIC OFFICIAL

_____

4. NAME OF CLIENT REPRESENTED

_____
Last First Middle

5. ADDRESS OF CLIENT REPRESENTED

_____
Office and/or Street Number City State Zip

6. State Agency Involved, Date and Location of Representation Appearance

   a. Name of Board or Commission _____

   b. Date of First Appearance _____

   c. Location of First Appearance _____

7. Provide a general description of the subject or subjects on which you represented a client for a fee in a proceeding before a state board or commission with rule-making authority:

_____ _____

_____ _____

_____ _____

_____ _____

I, _____, certify that the information in this Representation Disclosure Statement is complete, true, and correct.

_____
Signature of Public Official

_____
Date

MINNESOTA STATE ETHICS COMMISSION

CONFLICT OF INTEREST RULES AND REGULATIONS

EC 300 - EC 307

EC 300. Purpose of the Rules

The purpose of Rules EC 300 - EC 307 is to implement the conflict of interest provisions of Minnesota Laws 1974 (Minnesota Statutes, 1974, Sec. 10A.01-10A.34), hereinafter "the Act".

EC 301. 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 rulemaking authority, or a member of a metropolitan agency, the chairman of such board, commission or agency, or, if the potential conflict of interest involves the chairman, the superior shall be deemed to be the appointing authority for that office;
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.

EC 302. Applicability of the Conflict 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 Conflict of Interest Notice (EC Form 6),unless the effect on him is no greater than on other members of his business classification, profession or occupation.

EC 303. Notice of Conflict of Interest

A. Whenever a public official is required to file a conflict of interest statement he shall prepare a Conflict of Interest Notice (EC Form 6) describing the matter requiring action or decision and the nature of his potential conflict of interest. The public official shall deliver copies of the Conflict of Interest Notice (EC Form 6) to the Minnesota State Ethics Commission and to his superior or that person deemed to be his superior for purposes of notification if any. A legislator shall deliver a copy of the Conflict of Interest Notice (EC Form 6) to the commission and to the presiding officer of the house in which he serves.

B. If a potential conflict of interest presents itself and there is insufficient time to comply with the provisions of EC 303 A, the public official shall orally inform his superior, or that person deemed to be his superior for purposes of notification, if any, of the potential conflict. He shall file a Conflict of Interest Notice (EC Form 6) with the Minnesota State Ethics Commission within one week after the potential conflict presents itself. This Notice shall indicate the reason for non-compliance with the provisions of EC 303 A.

EC 304. Removal from Conflict of Interest

A. If the public official is not a legislator:

1. Subsequent to the filing of a Conflict of Interest Notice (EC Form 6), or subsequent to oral notice of a potential conflict of interest by a public official, his 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

      (1) assign the matter to a subordinate for disposition or,

      (2) 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 Conflict of Interest Notice (EC Form 6).

c. A public official having the potential conflict of interest shall not participate in any vote or offer any motion on the matter giving rise to his potential conflict of interest.

B. 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.

EC 305. Place for Obtaining and Filing Forms

All Conflict of Interest Notices (EC Form 6) shall be on the forms made available by the Minnesota State Ethics Commission and must be filed with that Commission.

EC 306. Changes and Corrections

Any material changes in information contained in a Conflict of Interest Notice (EC Form 6) previously submitted, and any corrections, shall be reported in writing to the Commission 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.

EC 307. Filing of False Statements

Any statement or notice required by these rules 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 report or statement which he knows contains false information or who knowingly omits required information is guilty of a felony.

MINNESOTA STATE ETHICS COMMISSION

REPRESENTATION DISCLOSURE RULES AND REGULATIONS

EC 500 - EC 507

EC 500. Purpose of the Rules

The purpose of Rules EC 500 - EC 507 is to implement the representation disclosure provisions of Minnesota Laws 1974, Chapter 470 (Minnesota Statutes, 1974, Sec. 10A.01 - 10A.34), hereinafter "the Act".

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)

EC 502. Applicability of Representation Disclosure Provisions

The representation disclosure provisions of the Act apply to any public official who represents a client for a fee before any board or commission with rule-making authority in a hearing conducted under Minnesota Statutes, Chapter 15. 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.

EC 503. Obligation and Time to report

Any public official who represents a client for a fee before any board or commission which has rule-making authority in a hearing conducted under Minnesota Statutes, Chapter 15, shall disclose his participation in the action within 14 days after his initial appearance by filing a Representation Disclosure Statement (EC Form 7) with the Minnesota State Ethics Commission. For purposes of this section the authority of a board or commission to hear contested cases under Minnesota Statutes, Chapter 15, is the same as having rule-making authority.

EC 504. Required Reporting Information

Each public official required to report shall provide the following information:

1. Name, address and office held;

2. Name and address of each client;

3. The name of the board or commission with rule-making authority conducting the hearing and the date and location of the initial appearance at the hearing;

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

EC 505. Place to Obtain and File Forms

All Representation Disclosure Statements (EC Form 7) filed with the Minnesota State Ethics Commission shall be on forms issued by the Minnesota State Ethics Commission.

EC 506. Changes and Corrections

Any material changes in information previously submitted and any corrections to a Representation Disclosure Statement (EC Form 7) shall be filed in writing with the Minnesota State Ethics Commission 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.

EC 507. Penalty for False Statements

Any report or statement required by these rules shall be signed and certified to be true by the person required to file the report. Any person who signs and certifies to be true a report or statement which he knows contains false information, or who knowingly omits required information, is guilty of a felony.

APPROVED AS TO FORM AND LEGALITY
JAN 31 1975 19
WARREN SPANNAUS, ATTORNEY GENERAL
BY Michael B Miller
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED - 2:00 pm
JAN 31 1975
Secretary of State

FILED
RICHARD [illegible]BACHER
Commissioner of Administration
JAN 31 1975 2:05 pm
BY Eda Staudenmaier
AUTH. SIGNATURE EJ