

CHAPTER 4501

ETHICAL PRACTICES BOARD

GENERAL PROVISIONS

<p>4501 0010 SCOPE AND AUTHORITY 4501 0100 DEFINITIONS 4501 0200 SECURITIES 4501 0300 CERTIFICATION, SIGNATURES, AND NOTARIZATION 4501 0400 DETERMINATION OF LOCAL OR PUBLIC OFFICIAL STATUS</p>	<p>4501 0500 FILINGS, SUBMISSIONS, AND DISCLOSURES 4501 0600 UNDELIVERED CERTIFIED MAIL 4501 0700 ASSESSMENT OF LATE FILING FEES</p>
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4501.0010 SCOPE AND AUTHORITY.

This chapter and chapters 4503 to 4525 govern compliance with the Ethics in Government Act, Minnesota Statutes, chapter 10A. This chapter contains provisions and definitions of general application. This chapter and chapters 4503 to 4525 are adopted pursuant to Minnesota Statutes, section 10A.02, subdivision 13.

Statutory Authority: *MS s 10A.02*

History: *20 SR 2504*

4501.0100 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to this chapter and chapters 4503 to 4525 and Minnesota Statutes, chapter 10A. The definitions in Minnesota Statutes, chapter 10A, also apply to chapters 4503 to 4525.

Subp. 2. **Address.** "Address" means the complete mailing address, including the zip code. An individual may use either the person's business address or home address. An association's address is the address from which the association conducts its business.

Subp. 3. **Business day.** A "business day" is from 8:00 a.m. to 4:30 p.m., Monday through Friday, except for official state holidays.

Subp. 4. **Compensation.** "Compensation" means every kind of payment for labor or personal services. Compensation does not include payments of social security, unemployment compensation, workers' compensation, or pension benefits.

Subp. 5. **Honorarium.** "Honorarium" means anything of value given or received for services such as making speeches, writing articles, or making presentations when there is no obligation on the part of the giver to make payment.

Subp. 6. **Money.** "Money" means cash and cash equivalents such as checks, money orders, travelers checks, negotiable instruments, and other paper commonly accepted by a bank as a deposit. A transfer of money includes an electronic transfer of funds.

Subp. 7. **Occupation.** "Occupation" means a person's usual trade, profession, employment, or other similar endeavor, and includes categories for which there is no direct financial compensation, such as homemaker.

Subp. 8. **Principal place of business.** "Principal place of business" means:

A. for an employed person, the name of the employer and the address from which the employee conducts the employer's business;

B. for a self-employed person or a person not employed, the address from which the person conducts business or personal matters; or

C. for an association, the name and business address of the association.

Subp. 9. **Promptly.** "Promptly" means completed not later than the end of the third business day after the event that gave rise to the requirement.

Statutory Authority: *MS s 10A 02*

History: *20 SR 2504*

4501.0200 SECURITIES.

Subpart 1. **Items which are securities.** Securities include any stock, share, bond, warrant, option, pledge, note, mortgage, debenture, lease, or commercial paper, in any corporation, partnership, mutual fund, trust, or other association.

Subp. 2. **Items which are not securities.** Securities do not include deposits in a savings account, certificates of deposit, money market certificates, treasury bills, bonds or notes, dividends from securities, or holdings in a pension or retirement plan.

Subp. 3. **Holder of securities.** A "holder of securities" is an individual having an ownership interest in a security, or who is the trustee or beneficiary of a trust having an ownership interest in a security. An individual owning shares in a mutual fund does not have an ownership interest in underlying securities owned by the fund.

Subp. 4. **Valuation of securities.** The value of a security is its fair market value. For securities traded on national exchanges, the fair market value is the closing bid price for the security on a given date. The value of a partial interest in a security is the value of the holder's proportionate share.

Subp. 5. **Exception for charitable trusts.** Trustees of associations organized for charitable, philanthropic, religious, social service, educational, or other public use or purpose are not holders of securities owned by the associations.

Statutory Authority: *MS s 10A.02*

History: 20 SR 2504

4501.0300 CERTIFICATION, SIGNATURES, AND NOTARIZATION.

Subpart 1. **Signature required.** The original signature of the person responsible for preparation or filing of a report or other document is required to make the report or document complete. Only signed reports or documents may be filed with the board. A document filed by facsimile transmission meets the requirements of this part if the original document being transmitted bears the required signature.

Subp. 2. **Certification.** The signature of a person authorized to sign a report or form constitutes certification by that person of the truth and accuracy of the report or form.

Subp. 3. **Notarization.** The only documents that must be notarized are affidavits of contributions filed pursuant to Minnesota Statutes, section 10A.323, and sworn statements relating to independent expenditures filed pursuant to Minnesota Statutes, section 10A.20, subdivision 6a.

Subp. 4. **Candidates.** A candidate may sign any report or other document that the treasurer or deputy treasurer of the candidate's principal campaign committee may sign.

Statutory Authority: *MS s 10A.02*

History: 20 SR 2504

4501.0400 DETERMINATION OF LOCAL OR PUBLIC OFFICIAL STATUS.

Subpart 1. **Metropolitan governmental units to determine local official status.** Annually, each metropolitan governmental unit must determine which positions within the metropolitan governmental unit constitute its local officials and must provide the board with a list of those positions.

Subp. 2. **Acting or part-time local or public official.** An individual who fills a local or public official position on an acting or part-time basis is a local or public official.

Statutory Authority: *MS s 10A.02*

History: 20 SR 2504

4501.0500 FILINGS, SUBMISSIONS, AND DISCLOSURES.

Subpart 1. **Completion of filing.** A filing with the board is complete upon:

A. receipt in the board office of the document being filed, bearing the original signature of the person responsible for filing the document;

B. receipt of a facsimile transmission of the document according to subpart 2; or

C. the postmark date of a first class or certified mailing of the document being filed, properly addressed to the board at its current address.

Subp. 2. **Alternative filing by facsimile transmission.** A document that may be filed with the board may be filed by facsimile transmission and the filing is complete upon receipt in the board office of the facsimile transmission. A document filed by facsimile transmission has the same force and effect as the original. The original signed document must be received in the board office within five business days after the facsimile transmission is made.

Subp. 3. **Filings on nonbusiness days.** If a scheduled filing date falls on a Saturday, Sunday, or state holiday, the filing is due on the next business day.

Subp. 4. **Submissions and disclosures.** Any required submission or disclosure to the board must be in the form of a written document filed with the board.

Statutory Authority: *MS s 10A.02*

History: 20 SR 2504

4501.0600 UNDELIVERED CERTIFIED MAIL.

Subpart 1. **Refused certified mail.** A certified letter that is returned by the post office to the board as refused is considered to have been received by the addressee on the date refused.

Subp. 2. **Returned certified mail.** A certified letter that is returned by the post office to the board as undelivered must be forwarded by first class mail to the original addressee and, if not returned by the post office, is considered received by the addressee five business days after the first class mailing.

Statutory Authority: *MS s 10A.02*

History: 20 SR 2504

4501.0700 ASSESSMENT OF LATE FILING FEES.

Late filing fees are not assessed for Saturdays, Sundays, or state holidays

Statutory Authority: *MS s 10A.02*

History: 20 SR 2504