

DEPARTMENT

ATTORNEY GENERAL

# Office Memorandum

TO: TOM DURAND  
Secretary of State's Office

DATE: 8-13-84

FROM: PETER M. ACKERBERG  
Special Assistant  
Attorney General

PHONE: 6-6839

SUBJECT: State Seal

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*PLEASE keep*

You asked whether private individuals can reproduce the State Seal for their own purposes. Minn. Stat. § 1.135, subd. 4 (1983 Supp.) states that section 1.135 does not "prohibit the enlargement, proportioned reduction, or embossment of the seal for its use in unofficial acts." This suggests to me that the private enlargement, reduction or embossment of the seal by private citizens is not prohibited.

There are a number of consumer protection statutes that could conceivably prohibit the use of the state seal if it is used to misrepresent the nature of a business (Minn. Stat. § 325D.12) or if a person in the course of his business, vocation or occupation engages in any conduct which creates a likelihood of confusion or of misunderstanding (Minn. Stat. § 325D.44(12)). In addition, in some circumstances, reproduction of the seal may constitute aggravated forgery. See Minn. Stat. § 609.625, subd. 1 (2). It provides that "whoever, with intent to defraud, falsely makes or alters [an official seal] so that it purports to have been made by another or by himself under an assumed or fictitious name . . . or by authority of one who did not give such authority, is guilty of aggravated forgery . . . ."

Minn. Stat. § 5.071 (1983 Supp.) provides that "the Department of Administration shall respond to any inquiries about duplication of the seal for state agencies." It is possible that the Department of Administration has responded to inquiries about duplication of the seal for private individuals. I would suggest checking with Administration about this.

Please let me know if I can be of further help in advising you on this subject.

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STATE OF MINNESOTA  
DEPARTMENT OF STATE

FILED  
AUG 29 1984

*Jan Anderson Howe*

Secretary of State

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