

Public Officials Quick Reference Guide

April 2006

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This Quick Reference Guide is intended to aid public officials in meeting the requirements of Minn. Stat. Chapter 10A, the Ethics in Government Act. Chapter 10A and Minn. Rules Chapters 4501, 4505, 4512, 4515, and 4520 should be consulted as needed for fuller explanation. All forms listed in the Guide may be downloaded from the Board's Website: www.cfboard.state.mn.us.

This document is available in alternative formats to individuals with disabilities by calling 651/296-5148 or 800/657-3889 or through the Minnesota Relay Service at 800/627-3529. Questions about the Guide or the law may be addressed to staff at 651/296-1720 or 800/657-3889.

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Filing

Statement of Economic Interest Requirements

All candidates for and holders of state constitutional or legislative offices (candidates) and appointed public officials (officials) as defined in Minnesota Statutes, chapter 10A must file:

- [Original Statement of Economic Interest:](#)
 - ◆ Candidates – form provided by the Campaign Finance and Public Disclosure Board (Board) at the time of filing an *Affidavit of Candidacy*.
 - ◆ Officials – form provided by the Board upon receipt of [Notice of Appointment](#) from the appointing authority.
- *Supplementary Statement of Economic Interest* - form with previously filed information is mailed to elected candidates and public officials annually in March. If there are changes to be reported from the previous filing, the form must be corrected, signed, and returned to the Board no later than April 15th.
- [Statement of Termination as a Public Official:](#)
 - ◆ Elected officials – form with previously filed information is mailed to elected candidates after they no longer hold office. If there are changes to be reported from the previous filing, the form must be corrected, signed, and returned to the Board.
 - ◆ Appointed officials - form with previously filed information is mailed to official upon notification of replacement from the appointing authority. If there are changes to be reported from the previous filing, the form must be corrected, signed, and returned to the Board.

Additional filings

Reports must be filed by an elected or appointed official under certain circumstances:

- [Potential Conflict of Interest](#) if the official has a pending official action or decision that would affect their personal financial holdings or those of a business with which they are associated, if the financial effect is greater on them than on others in their business classification, profession, or occupation.
- [Inability to Abstain](#) if the official has a potential conflict of interest and is not permitted or is unable to abstain from taking action.
- [Representation Disclosure](#) if the official represents a client for a fee in a hearing before a state board, commission, or agency under Chapter 14.

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Record Keeping

Requirements	All <i>Statements of Economic Interest</i> must include the following information:
Occupation	Your usual trade, profession, employment, or other similar endeavor including categories for which there is no direct financial compensation, such as homemaker or retiree.
Employment information	Employer's name and complete address, if applicable. Officials who are not employed or who are self-employed should indicate that fact in the employer name space. An individual, who is self-employed, not employed, retired, a homemaker, et cetera, should list the address from which the individual conducts business or personal matters or the individual's home address.
Compensation	Compensation received from an associated business in excess of \$50 in any month. "Associated business" means an association, corporation, partnership, limited liability company, limited liability partnership, or other organized legal entity from which the individual receives compensation in excess of \$50, except for actual and reasonable expenses, in any month as a director, officer, owner, member, partner, employer or employee, or whose securities the individual holds worth \$2,500 or more at fair market value. Include payments received for services as a director, officer, owner, member, partner, employer, or employee. Compensation <i>also includes</i> payments of per diem and honoraria. Compensation <i>does not include</i> payments for services as an independent contractor, social security payments, unemployment compensation, workers' compensation, pension benefits, income from rental property, or insurance benefits.
Securities	Securities held in an associated business in which your share has a market value of \$2,500 or more. Securities include any stock, share, bond, warrant, option, pledge, note, debenture, lease, or commercial paper, in any corporation, partnership, mutual fund, trust, or other association. Securities also include stocks in a <u>self-directed</u> IRA and mutual fund shares held in an IRA or a deferred compensation plan. For shares in a mutual fund list the fund provider and fund name but do not itemize the stocks or the assets the mutual fund itself owns. For securities traded on national exchanges, list the name of the security not the exchange symbol. If the security was bought and/or sold during the reporting period, you may include the date of acquisition or disposition.

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Securities do not include deposits in a savings account; certificates of deposit; money market certificates; treasury bills; federal, state, municipal, or other political subdivision bonds or notes; dividends from securities; holdings in a pension or retirement plan; or stocks in an IRA which is not self-directed.

Real property

Real property within the state of Minnesota, *other than your homestead*.

Include land or buildings held personally or in partnership in which you hold:

- a fee simple interest (own); a mortgage; a contract for deed as a buyer or seller, or an option to buy, whether direct or indirect if your interest is valued in excess of \$2,500; or
- an option to buy, for property which has a fair market value of \$50,000 or more.

You must disclose the county in which property is located and the street address with the city name. If there is no street address you must list the section, township, range, and acreage. The lot, block, addition description, and acreage may be used in place of section, township, and range.

If the property was bought and/or sold during the reporting period you may include the date of acquisition or disposition.

Pari-mutuel holdings

Include any direct or indirect, partial or full interest held by you or an immediate family member as an investment, ownership, or interest in property connected with pari-mutuel horse racing in the United States and Canada, including a racehorse. If the investment, ownership, or interest was bought and/or sold during the reporting period, you may include the date of acquisition or disposition.

Potential Conflict of Interest and Inability to Abstain

- Full name and address of candidate or official
- Title of official
- Name of Board/Department/Agency or District number if you are a legislator
- Name of immediate supervisor; legislators list name of presiding officer
- Date the action or decision will occur
- Description of the action or decision presenting the potential conflict of interest
- The nature of the potential conflict of interest: source of compensation; earned income, securities, real property, pari-mutuel horse racing

Representation Disclosure

- Full name and address of candidate or official
- Office held
- Name of Board/Department/Agency or District number if you are a legislator
- Name and address of client represented

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- State agency involved
- Date and location of first appearance
- General description of the subject or subjects on which the individual represented a client for a fee in a proceeding before a state board or commission with rule making authority

Records Retention Records of all accounts must be kept for four years.

Reporting

Notes on Responsibilities The Board mails statements to all candidates and officials required to report upon notification of appointment or termination and annually in March.

Original Statement of Economic Interest Candidates within 14 days after filing an *Affidavit of Candidacy*:

- non-incumbent candidates must file a new *Original Statement of Economic Interest*
- incumbents may use the form provided at the time of filing an *Affidavit of Candidacy* or update the form that the Board provides to incumbents prior to the opening of filings

Appointed public officials:

- within 14 days after the effective date of appointment, if the appointment requires Senate confirmation; *OR*
- within 60 days after the effective date of appointment, if the appointment does not require Senate confirmation

Supplementary Statement of Economic Interest All elected candidates and appointed officials must file annually by April 15th if there are changes to be reported from the previously filed statement.

Statement of Termination as a Public Official A candidate or an official must file anytime following the last day served, but no later than April 15th following the last day served, if there are changes to be reported from the previously filed statement.

Additional Reporting These forms, if required, are available on the Board's website.

Potential Conflict of Interest Must be filed before the action or decision involving a potential conflict of interest. If time does not permit written notice, notice must be given orally to the official's superior.

- Appointed officials file with their immediate superior
- Members of the legislature file with the presiding officer

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Inability to Abstain Must be filed with the Campaign Finance and Public Disclosure Board office within one week after the action was taken.

Representation Disclosure Must be filed with the Campaign Finance and Public Disclosure Board office within 14 days after the hearing.

Filing

Documents may be filed with the Board by:

- U.S. Mail, or
- Personal delivery to the Board office, or
- Fax transmission to 651/296-1722 or 800/357-4114, or
- Email to the Board office: cfboard@state.mn.us.

Mailed documents are considered timely filed if they are postmarked on or before the required filing date.

Personally delivered or faxed documents must be received in the Board office by 4:30 p.m. on the required filing date to be considered timely filed. A filing received in the Board office after 4:30 p.m. is considered received on the next business day.

Filed Statements are "Public Information"

Filed statements are available for public viewing and photocopying within 48 hours after receipt in the Board office. Photocopies are 10¢ per page.

Filed statements are also available for public viewing on the Board's Website at www.cfboard.state.mn.us.

Amendments

Required Amendments to Statements

Within ten days after:

- (1) the date of the event prompting the change, or
- (2) the date the official became aware of the inaccuracy or the need to make a change, the official must make corrections or changes to information that has been filed with the Board.

All changes and corrections must be in writing.

Penalty for Failure to Amend

A penalty of up to \$3,000 may be imposed on an official for willfully failing to amend a filed report. This violation is also a gross misdemeanor.

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Penalties and Fees for Reporting Violations

Late Filing Fees

Statement	Late Fee		Failure to File
	Per Day	Maximum	
Original Statement of Economic Interest	\$5	\$100	Up to \$1,000
Failure to amend	\$5	\$100	Up to \$1,000

Also, suspension from office without pay (not applicable to legislators or constitutional officers.)

When Late Filing Fee Begins

Statement	When Fee Starts
Original Statement of Economic Interest	Eleven (11) days after the Board notifies the filer by certified mail that the statement has not been received

Civil Penalties

Report	Failure to File
Statement of Economic Interest – Original or Supplementary	Up to \$1,000
Failure to amend	Up to \$1,000
Willfully fail to amend*	Up to \$3,000
Filing a false statement*	Up to \$3,000

*Also a gross misdemeanor

When Civil Penalties Begin

Report	When Late Filing Fees Begin
For all reports and statements, Failure to File	Seven (7) days after the second certified letter is sent by the Board, if the statement or report has not been received

Disclosure Calendar

2006	April 15	<i>Supplementary Statement of Economic Interest</i> covering the period from the last filing through March 31, 2006, is due if there are changes to be made from the previously filed statement.
	July 5	State legislative and constitutional office candidates must file a <i>Statement of Economic Interest</i> within 14 days after filing for office.
2007	April 15	<i>Supplementary Statement of Economic Interest</i> covering the period from the last filing through March 31, 2007, is due if there are changes to be made from the previously filed statement.

Prohibitions

Gifts to Officials

All elected and appointed public officials are prohibited from accepting gifts from lobbyists or lobbyist principals including:

- money;
- real or personal property;
- a service;
- a loan;
- a forbearance or forgiveness of indebtedness;

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- a promise of future employment;
- meals and entertainment;
- loans of personal property for less than payment of fair market value;
- giving preferential treatment for purchases;
- honoraria; and
- payment of loans or other obligations

unless the lobbyist or lobbyist principal receives consideration of equal or greater value in return.

Exception: The gift ban does not apply to the following items unless they are prohibited under another law

- political contributions to a state candidate;
- services to assist an official in the performance of official duties, including providing advice, consultation, information, and communication in connection with legislation and services to the official's constituents;
- services of insignificant monetary value;
- plaques or similar mementos recognizing the individual's services in a field of specialty or to a charitable cause;
- trinket or memento costing \$5 or less;
- informational material of unexceptional value; or
- food or beverage at a reception, meal, or meeting away from the official's place of work provided by an organization before whom the official appears to make a speech or answer questions as part of a program.

Additional exceptions: The prohibition does not apply if the gift is given:

- because of the official's membership in a group, a majority of whose members are not officials, provided an equivalent gift is given to the other members of the group; or
- by a lobbyist or lobbyist principal who is a member of the official's family, unless the gift is given on behalf of someone who is not a member of the official's family.

Advisory Opinions, Complaints

Advisory Opinions

Individuals who are subject to the requirements of Minn. Stat. Chapter 10A or their representatives may request an advisory opinion from the Board regarding Chapter 10A to guide their actions for compliance with the law. Requests for an opinion and the Board's opinions are classified confidential in the Minnesota Government Data Practices Act. A "public" version of Advisory Opinions, (personal and organizational identifying information removed) is published on the Board's Website. Except in limited circumstances, opinions issued are binding on the Board.

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Complaints

Any person may file a written complaint with the Board concerning suspected violations of Minn. Stat. Chapter 10A. A sample form for filing a complaint may be printed from the Board's Website or obtained from the Board office.

Penalties for Other Chapter 10A Violations

Civil Penalty of Up to \$3,000 in Addition to Misdemeanor or Gross Misdemeanor Criminal Penalty

- Knowingly filing false information or knowingly omitting required information
- Willfully failing to amend a filed statement

Gross Misdemeanor Criminal Penalty

Knowingly failing to keep records for four years from the date of filing of the statement

Forms Noted in this Guide

All forms are available from the Board office or the Website at www.cfboard.state.mn.us

[Notice of Appointment](#)

[Original Statement of Economic Interest for Appointed Public Officials](#)

[Original Statement of Economic Interest for Candidates for Elective Office](#)

Supplementary Statement of Economic Interest

[Statement of Termination as Public Official](#)

[Potential Conflict of Interest](#)

[Inability to Abstain](#)

[Representation Disclosure](#)

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Contacts for Assistance and Related Resources

Staff Minn. Stat. Chapter 10A and Rules: www.leg.state.mn.us/leg/statutes.asp
Board Website: www.cfboard.state.mn.us

Subject Matter	Contact Person – Phone – E-mail Address
Board information	Jeanne Olson (651) 296-1721 Jeanne.Olson@state.mn.us
Economic Interest Statements	LuAnn Swanson 651/297-7352 LuAnn.Swanson@state.mn.us
Conflict of Interest Disclosure	LuAnn Swanson 651/297-7352 LuAnn.Swanson@state.mn.us
Representation Disclosure	LuAnn Swanson 651/297-7352 LuAnn.Swanson@state.mn.us
Advisory Opinions	Jeff Sigurdson 651/296-1720 Jeffrey.G.Sigurdson@state.mn.us
Gift Ban	Jeff Sigurdson 651/296-1720 Jeffrey.G.Sigurdson@state.mn.us
Complaints	Jeanne Olson 651/296-1721 Jeanne.Olson@state.mn.us
Forms, General Information	651/296-5148 800/657-3889 www.cfboard.state.mn.us

Minn. Stat.
Chapter
10A and
Rules

Source(s)	Website Information
Campaign Finance and Public Disclosure Board	www.cfboard.state.mn.us/law/2004us
State Legislature	www.leg.state.mn.us/leg/statutes.asp
Minnesota's Bookstore	www.comm.media.state.mn.us/ bookstore/bookstore.asp

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List of Public Officials

Agency/Public official
position

ACCOUNTANCY, BOARD OF - members, chief and deputy administrative officers.

ADMINISTRATION, DEPT OF - commissioner, deputy and assistant commissioners.

ADMINISTRATIVE HEARINGS, OFFICE OF - chief and administrative law judges; compensation judges.

AGING, MINN BOARD ON - members, chief and deputy administrative officers.

AGRICULTURAL AND ECONOMIC DEVELOPMENT BOARD - members, chief and deputy administrative officers.

AGRICULTURAL CHEMICAL RESPONSE COMPENSATION BOARD - members.

AGRICULTURAL SOCIETY BOARD - members, chief and deputy administrative officers.

AGRICULTURE, DEPT OF - commissioner, deputy and assistant commissioners.

AMATEUR SPORTS COMMISSION - members, chief and deputy administrative officers.

ANIMAL HEALTH, BOARD OF - members, chief and deputy administrative officers.

ARCHITECTURE, ENGINEERING, LAND SURVEYING, LANDSCAPE ARCHITECTURE, GEOSCIENCE, AND INTERIOR DESIGN BOARD - members, chief and deputy administrative officers.

ARTS BOARD - members, chief and deputy administrative officers.

ASSESSORS, BOARD OF - members, chief and deputy administrative officers.

ATTORNEY GENERAL, OFFICE OF THE - attorney general, deputy attorney general, solicitor general, deputy solicitor general, assistant attorneys general.

BARBER EXAMINERS, BOARD OF - members, chief and deputy administrative officers.

BEHAVIORAL HEALTH AND THERAPY, BOARD OF - members, chief and deputy administrative officers.

CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD - members, chief and deputy administrative officers.

CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD - members, chief and deputy administrative officers.

CHIROPRACTIC EXAMINERS, BOARD OF - members, chief and deputy administrative officers.

COMMERCE, DEPT OF - commissioner, deputy and assistant commissioners.

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CORRECTIONS, MINN DEPT OF - commissioner, deputy and assistant commissioners.

CRIME VICTIMS REPARATIONS BOARD, MINN - members, executive and deputy director.

DENTISTRY, BOARD OF - members, chief and deputy administrative officers.

DESIGNER SELECTION BOARD, STATE - members, chief and deputy administrative officers.

DIETETIC AND NUTRITION PRACTICE, BOARD OF- members, chief and deputy administrative officers.

EDUCATION, DEPARTMENT OF - commissioner, deputy and assistant commissioners (formerly Children, Families, and Learning, Department of).

ELECTRICITY, BOARD OF - members, chief administrative officer.

EMERGENCY MEDICAL SERVICES REGULATORY BOARD- members, chief and deputy administrative officers.

EMPLOYEE RELATIONS, DEPT OF - commissioner, deputy and assistant commissioners.

EMPLOYMENT AND ECONOMIC DEVELOPMENT, DEPARTMENT OF - commissioner, deputy and assistant commissioners (formerly Economic Security, Department of and Trade and Economic Development, Department of).

ENVIRONMENTAL ASSISTANCE, OFFICE OF - director.

ENVIRONMENTAL QUALITY BOARD - members, chief and deputy administrative officers.

FINANCE, DEPT OF - commissioner, deputy and assistant commissioners.

GAMBLING CONTROL BOARD, LAWFUL - members, chief and deputy administrative officers.

GOVERNOR, OFFICE OF THE - governor, chief deputy.

HEALTH, DEPT OF - commissioner, deputy & assistant commissioners.

HEALTH FACILITIES COMPLAINTS, OFFICE OF - director.

HIGHER EDUCATION FACILITIES AUTHORITY - members, executive director.

HOUSING FINANCE AGENCY, MINN - members, executive and deputy directors.

HUMAN RIGHTS, DEPT OF - commissioner, deputy commissioner.

HUMAN SERVICES, DEPT OF - commissioner, deputy and assistant commissioners.

INVESTMENT ADVISORY COUNCIL - members.

INVESTMENT, STATE BOARD OF - executive and assistant executive secretary.

IRON RANGE RESOURCES AND REHABILITATION BOARD - commissioner,

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deputy commissioner.

LABOR AND INDUSTRY, DEPT OF - commissioner, deputy and assistant commissioners.

LAKE SUPERIOR CENTER AUTHORITY - members.

LEGISLATIVE EMPLOYEES - chief clerk of the House, legislative auditor, House researchers and attorneys, revisor of statutes, secretary of the Senate, Senate counsel attorneys, Senate research researchers.

LEGISLATURE - state representatives and state senators.

LIEUTENANT GOVERNOR, OFFICE OF THE - lieutenant governor and chief deputy.

LOTTERY, MINN STATE - director and deputy director.

MARRIAGE AND FAMILY THERAPY, BOARD OF - members, director, and assistant director.

MEDIATION SERVICES, BUREAU OF - commissioner, deputy commissioner.

MEDICAL PRACTICE, BOARD OF - members, chief and deputy administrative officers.

MEDICAL SERVICES REVIEW BOARD - members.

METROPOLITAN AIRPORTS COMMISSION - members, chief administrative officer.

METROPOLITAN COUNCIL - members, chief administrative officers.

METROPOLITAN PARKS AND OPEN SPACE COMMISSION - members, chief administrative officer.

METROPOLITAN SPORTS FACILITIES COMMISSION - members, chief administrative officer.

MILITARY AFFAIRS, DEPT OF - adjutant general, deputy and assistant adjutant generals.

MINN STATE COLLEGES AND UNIVERSITIES - chancellor, deputy chancellor, members.

MINN STATE HIGH SCHOOL LEAGUE - members, chief and deputy administrative officers.

MINN STATE RETIREMENT SYSTEM - members, chief and deputy administrative officers.

MINN TECHNOLOGY, INC - president, directors.

NATURAL RESOURCES, DEPT OF - commissioner, deputy and assistant commissioners.

NURSING, BOARD OF - members, chief and deputy administrative officers.

NURSING HOME ADMINISTRATORS, BOARD OF EXAMINERS FOR - members,

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chief and deputy administrative officers.

OCCUPATIONAL SAFETY AND HEALTH REVIEW BOARD - members, chief and deputy administrative officers.

OFFICE OF ENTERPRISE TECHNOLOGY - commissioner.

OFFICE OF HIGHER EDUCATION (FORMERLY HIGHER EDUCATION SERVICES OFFICE) - director.

OPTOMETRY, BOARD OF - members, chief and deputy administrative officers.

PEACE OFFICERS STANDARDS AND TRAINING, BOARD OF - members, chief and deputy administrative officers.

PERPICH CENTER FOR ARTS EDUCATION - members, chief and administrative officers.

PETROLEUM TANK RELEASE COMPENSATION BOARD - members, chief and deputy administrative officers.

PHARMACY, BOARD OF - members, chief and deputy administrative officers.

PHYSICAL THERAPY, BOARD OF - members, chief and deputy administrative officers.

PODIATRIC MEDICINE, BOARD OF - members, chief and deputy administrative officers.

POLLUTION CONTROL AGENCY - board members, commissioner and deputy commissioners.

PRIVATE DETECTIVE AND PROTECTIVE AGENT SERVICES BOARD - members, chief and deputy administrative officers.

PSYCHOLOGY, BOARD OF - members, chief and deputy administrative officers.

PUBLIC EMPLOYEES RETIREMENT ASSOCIATION (PERA) - members and executive director.

PUBLIC FACILITIES AUTHORITY - members, chief and deputy administrative officers.

PUBLIC SAFETY, DEPT OF - commissioner, deputy and assistant commissioners; registrar of motor vehicles; and director of gambling enforcement.

PUBLIC UTILITIES COMMISSION - members, executive director.

RACING COMMISSION - members, director, chief of security, medical officer, inspector of pari-mutuels, stewards.

REHABILITATION REVIEW PANEL - members.

REVENUE, DEPT OF - commissioner, deputy and assistant commissioners.

RURAL FINANCE AUTHORITY - members.

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SCHOOL ADMINISTRATORS, BOARD OF - members, chief administrative officer.

SECRETARY OF STATE, OFFICE OF THE - secretary of state, chief deputy.

SENTENCING GUIDELINES COMMISSION, MINN - members, chief administrative officer.

SOCIAL WORK, BOARD OF - members, chief and deputy administrative officers.

STATE AUDITOR, OFFICE OF THE - state auditor, chief deputy.

TEACHERS RETIREMENT ASSOCIATION - members, chief and deputy administrative officers.

TEACHING, BOARD OF - members, chief and deputy administrative officers.

TRANSPORTATION, DEPT OF - commissioner, deputy and assistant commissioners.

URBAN INITIATIVE BOARD - members, chief and deputy administrators.

VETERANS AFFAIRS, DEPT OF - commissioner, deputy and assistant commissioners.

VETERANS HOMES BOARD - members, chief and deputy administrative officers.

VETERINARY MEDICINE, BOARD OF - members, chief and deputy administrative officers.

WATER AND SOIL RESOURCES, BOARD OF - members, chief and deputy administrative officers.

WORKERS' COMPENSATION COURT OF APPEALS - judges.

ZOOLOGICAL BOARD - director.

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