

Regulation 36-14-2001 — Additional Definitions.

- (14) Complainant: A person or persons who files a sworn statement with the Commission against a person subject to the statute containing allegations of prohibited activities.
- (15) Respondent: A person against whom a complaint has been filed.
- (16) Business subject to direct state or municipal regulation: A business which is directly regulated by a state or municipal agency as defined herein other than in a de minimus manner. This includes a business funded with state or municipal funds or federal funds disbursed by a state or municipal agency. If a specific regulatory body exists to control or supervise the business, and such body regulates and monitors the business' activities, it is a business subject to direct regulation. Utilities, insurance companies and regulated financial institutions are included. A business is not directly regulated because it is subject to general laws, tax or health laws for example, applicable to all businesses or, the fact that a business requires a license to operate, or a professional license is obtained. Businesses regulated by professional boards and occupational boards are excluded.
- (17) Cash value interest: Cash value interest is an ownership interest or a financial interest in the nature of an investment such as bonds, notes, debentures, mortgages and similar business investment interests. Deposits in any financial institution, savings and checking accounts, shares in a credit union or a cooperative bank, life insurance policies and annuities are not included.
- (18) Doing business: Engaging in a financial transaction, about which the public official has actual or constructive knowledge, which transaction constitutes a loan, purchase, sale or other type of transfer or exchange of money, goods, other property, or services for value. Doing business does not include the retail purchase of consumer goods bought primarily for personal, family or household purposes, and financial transactions of a personal nature, such as personal loans and individual insurance transactions.
- (19) Income: Any money or thing of value received or to be received as a claim on future services whether in form of a fee, salary, expenses, allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain, or any other form of recompense that constitutes income under the Federal Internal Revenue Code.
- (20) Ownership interest: An interest in stock, assets, net profits, or losses of a business. The value of an ownership interest is determined at its highest fair market value in the calendar year.
- (21) Persons within the third degree of consanguinity: Persons within the third degree of consanguinity include any of the following relations: Brothers, sisters, parents, sons, daughters, grandparents, great grandparents, grandchildren, great grandchildren, uncles, aunts, brothers and sisters-in-law, mothers and fathers-in-law, nieces and nephews, grandsons and granddaughters-in-law, and sons and daughters-in-law.
- (22) State or municipal agency: Shall also include any group of persons, or corporations, organization, or other entity, however created, which:

- (a) exercises governmental functions other than in an advisory nature, and expends public funds in excess of \$10,000 yearly, or;
 - (b) those entities whose directors or other governing members are appointed by or through the governing body or highest official of state or municipal government.
- (23) Political party officials: Elected or appointed officers in a state, county, town or city political party organization are not elected or appointed officials subject to this act.