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## CHAPTER 4501, GENERAL PROVISIONS

### 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. 32a. **Audit trail.** "Audit trail" means documentation of submission of an electronic file or facsimile transmission to the board. The audit trail includes the date and time at which the facsimile transmission or electronic file submission was made and a copy of any verification report or message received from the board.

Subp. 43. **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. 54. **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. 64a. **Electronic file.** "Electronic file" means a report or statement required by Minnesota Statutes, chapter 10A, and submitted to the board using an electronic filing system.

Subp. 74b. **Electronic filing system.** "Electronic filing system" means the computer-based systems developed by the board to transfer an electronic file of data that meets the filing and reporting requirements of Minnesota Statutes, chapter 10A.

Subp. 84e. **Facsimile transmission.** "Facsimile transmission" means the use of a fax machine or e-mail to submit an electronic image of a report or statement to the board.

Subp. 95. **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. 106. **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. 117. **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. 12. Original signature.** "Original signature" means:

A. a signature in the signer's handwriting, or if the signer is unable to write, the signer's mark or name written in the handwriting of another or applied by stamp at the request, and in the presence, of the signer;

B. an electronic signature consisting of the letters of the signer's name, applied using a cursive font or accompanied by text or symbols clearly indicating an intent to apply a signature, including but not limited to the letter s with a forward slash mark on one or both sides of the letter s or the placement of a forward slash mark before and after the signer's name; or

C. the signer's name on the signature line of an electronic file submitted using the filer's personal identification code.

Subp. 137a. **Personal identification code.** "Personal identification code" is a confidential user name and password provided by the board and required to use an electronic filing system.

Subp. 148. **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. 159. **Promptly.** "Promptly" means within ten business days after the event that gave rise to the requirement.

#### **4501.0500 FILINGS, SUBMISSIONS, AND DISCLOSURES.**

**Subpart 1. Format.** A report or statement required under Minnesota Statutes, section 10A.20, must be filed electronically in a format specified by the board, to the extent required by that section. Any other report or statement required under Minnesota Statutes, chapter 10A, must be filed submitted electronically in a format specified by the board or on the forms provided by the board for that purpose or by an electronic filing system. The board may provide alternative methods for submitting information, including other means for the electronic submission of data.

Subp. 1a. [~~Repealed, L 2018 c 119 s 34~~]

~~Subp. 2. [Repealed, L 2017 1Sp4 art 3 s 18]~~

Subp. 23. **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. [Repealed, L 2005 c 156 art 6 s 68]~~

## CHAPTER 4503, CAMPAIGN FINANCE ACTIVITIES

### 4503.0100 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to this chapter and Minnesota Statutes, chapter 10A, except that the definition in subpart 7 applies to Minnesota Statutes, section 211B.15. The definitions in chapter 4501 and Minnesota Statutes, chapter 10A, also apply to this chapter.

Subp. 2. **Adjournment sine die.** "Adjournment sine die" means final adjournment by the legislature in the second year of a biennium.

Subp. 3. **Anonymous contribution.** "Anonymous contribution" means a contribution for which the name and address of the donor cannot be determined.

Subp. 4. **County office in Hennepin County.** "County office in Hennepin County" means the offices of county commissioner, county attorney, and sheriff, in Hennepin County, and does not include the office of Three Rivers Park District commissioner.

Subp. 53a. **Fair market value.** "Fair market value" means the amount that an individual would pay to purchase the same or similar service or item on the open market.

Subp. 64. **Fundraising event.** "Fundraising event" means a meal, party, entertainment event, rally, or similar gathering of three or more individuals where contributions are solicited or received.

Subp. 7. **Headquarters.** For the purpose of Minnesota Statutes, section 211B.15, subdivision 8, "headquarters" means a building or other structure that is used for all or part of the year as the primary location where the party's business is conducted.

...

Subp. 125. **Receipted bill.** "Receipted bill" means an invoice marked paid by the vendor or a canceled check with a corresponding invoice indicating the purpose of the expenditure.

Subp. 6. [~~Repealed, L 2018 c 119 s 34~~]

Subp. 137. **Statewide election.** "Statewide election" means an election for a statewide constitutional office, appeals court, or supreme court office, or an election in which a question or proposition on the ballot can be voted on by all voters of the state.

Subp. 148. **Unpaid bill.** "Unpaid bill" means an advance of credit for which payment has not been made. An advance of credit is an unpaid bill from the time it is incurred, regardless of when an actual invoice is received.

## 4503.0200 ORGANIZATION OF POLITICAL COMMITTEES AND POLITICAL FUNDS.

Subpart 1. **Organizational information to be provided by a political party.** The statement of organization of a political party must include a list of the names of the party units organized in each house of the legislature and in congressional districts, counties, legislative districts, municipalities, and precincts, along with the name and address of the treasurer and chair of each unit, and must be updated annually.

Subp. 2. **Officers of principal campaign committee.** A candidate may be chair, treasurer, or both, of the candidate's own principal campaign committee. The candidate is ultimately responsible for the principal campaign committee's compliance with Minnesota Statutes, chapter 10A.

Subp. 3. **When registration is not required.** When a person or group merely solicits contributions with the approval of a candidate or the treasurer, deputy treasurer, or agent of a political committee or political fund and when those contributions are made directly to the reporting committee or fund, that person or group need not establish a separate political committee or political fund.

Subp. 4. [Repealed, L 2005 c 156 art 6 s 68]

Subp. 45. **Termination of responsibility of former treasurer.** A former treasurer who transfers political committee or political fund records and receipts to a new treasurer or to the chair of the committee or fund is relieved of future responsibilities ~~when notice required under subpart 4 is filed or~~ when the former treasurer notifies the board in writing of the change.

Subp. 6. [Repealed, L 2017 1Sp4 art 3 s 18]

## 4503.0400 JOINT PURCHASES

Subpart 1. [Repealed, L 2017 1Sp4 art 3 s 18] **General requirement.** Principal campaign committees, political party units, and political committees and funds may jointly purchase goods or services without making or receiving a donation in kind. If each purchaser pays the vendor for their share of the fair market value of the purchase, each purchaser must report that amount to the Board as an expenditure or noncampaign disbursement as required by Minnesota Statutes, section 10A.20. If a purchaser pays the vendor for the total amount of the purchase and obtains payment from another purchaser for that purchaser's share of the fair market value of the purchase, each purchaser must use the same reporting method under Minnesota Statutes, section 10A.20, subdivision 13.

Subp. 2. [Repealed, L 2005 c 156 art 6 s 68] **Proportionate shares of joint purchase.** If a purchaser pays a vendor for the total amount of a joint purchase and each joint purchaser receives goods or services of equal value, each joint purchaser must pay the purchaser that

paid the vendor an amount equal to the total amount paid to the vendor divided by the number of joint purchasers in order to prevent the occurrence of a donation in kind. If a purchaser pays a vendor for the total amount of a joint purchase and joint purchasers receive goods or services of differing value, each joint purchaser must pay the purchaser that paid the vendor in proportion to the value of the goods or services received in order to prevent the occurrence of a donation in kind. If a joint purchaser pays the purchaser that paid the vendor less than its proportionate share of the fair market value of the joint purchase, the difference must be reported as a donation in kind from the purchaser that paid the vendor to the joint purchaser as required by Minnesota Statutes, section 10A.20.

Subp. 3. **No impact on prohibited contributions.** Nothing in this part permits an independent expenditure or ballot question political committee or fund to make a contribution, including an approved expenditure, that is prohibited by Minnesota Statutes, section 10A.121, or alters what constitutes a coordinated expenditure.

#### **4503.0500 CONTRIBUTIONS.**

Subpart 1. **All receipts are contributions.** Any donation of money, goods, or services received by a principal campaign committee, political party unit, political committee, or political fund is considered a contribution at the time the item is received.

Subp. 2. [Repealed, L 2018 c 119 s 34] **Contribution processors and professional fundraisers.** A vendor may solicit, process, collect, or otherwise facilitate the accumulation of contributions made to a principal campaign committee, political party unit, political committee, or political fund, and may temporarily retain or control any contributions collected, without thereby making a contribution to the intended recipient of the contributions, if the vendor is paid the fair market value of the services provided. Contributions collected must be transmitted to the intended recipient, minus any fees withheld by the vendor, and must be identified with the name, address, and employment or occupation information required in Minnesota Statutes, section 10A.13. A vendor that is paid the fair market value of any goods or services provided is not a political committee or a political fund by virtue of providing those goods or services. A vendor that determines which principal campaign committee, political party unit, political committee, or political fund receives the contributions collected is a political committee or political fund as provided in Minnesota Statutes, section 10A.01, even if the recipient of the contributions pays the vendor the fair market value of the services provided to collect the contributions.

Subp. 3. **Transmission of contributions.** Promptly after receipt of any contribution intended for a principal campaign committee, political party unit, political committee, or political fund, or on demand of the treasurer, any individual, association, or vendor retaining or controlling the contribution must transmit the contribution together with any required record to the treasurer.

Subp. 4. **Identification of contributor.** An individual or association that pays for or provides goods or services, or makes goods or services available, with the knowledge that they will be used for the benefit of a principal campaign committee, political party unit, political committee, or a political fund, is the contributor of those goods or services.

Subp. 5. [~~Repealed, L 2017 1Sp4 art 3 s 18~~]

Subp. 56. **Contributions by joint check.** A contribution given by a check written on a joint account is considered to be a contribution by the persons who signed the check in equal proportions unless the candidate or treasurer of the committee or fund has personal knowledge or affirmatively ascertains from any account holder who did not sign the check that the person is a joint contributor. In such cases, a written notation of the basis for considering the contribution to be a joint contribution must be made at the time the contribution is deposited and kept with the committee's or fund's official records.

Subp. 67. **Forwarding anonymous contributions.** An anonymous contribution in excess of \$20 must be forwarded to the board in its entirety within 14 days after its receipt by the treasurer along with a statement of the amount of the contribution and the date on which it was received.

Subp. 8. [~~Repealed, L 2017 1Sp4 art 3 s 18~~]

Subp. 9. [~~Repealed, L 2005 c 156 art 6 s 68~~]

#### **4503.0700 CONTRIBUTION LIMITS.**

Subpart 1. **Loans included in aggregation of contributions.** Contribution limits apply to the aggregation of:

- A. money;
- B. donations in kind;
- C. outstanding loans from the contributor; and
- D. proceeds of outstanding loans endorsed by the contributor.

Subp. 2. [~~Repealed, L 2017 1Sp4 art 3 s 18~~]**Commercial vendors not subject to bundling limitation.** A vendor retained by a principal campaign committee, political party unit, political committee, or political fund for the accumulation of contributions, and is paid by that committee, party unit, or fund the fair market value of the services provided, as described in part 4503.0500, subpart 2, is not subject to the bundling limitation in Minnesota Statutes, section 10A.27, subdivision 1.

Subp. 3. [~~Repealed, L 2017 1Sp4 art 3 s 18~~]



#### 4503.0800 DONATIONS IN KIND AND APPROVED EXPENDITURES.



Subp. 2. **Multicandidate materials.** An approved expenditure made on behalf of multiple candidates or local candidates must be allocated between the candidates or the local candidates on a reasonable basis if the cost exceeds \$20 per candidate or local candidate.

Subp. 3. **Multipurpose materials.** A reasonable portion of the fair market value of preparation and distribution of association newsletters or similar materials which, in part, advocate the nomination or election of a candidate or a local candidate is a donation in kind which must be approved by the candidate or the local candidate if the value exceeds \$20, unless an independent expenditure is being made.

Subp. 4. **Office facilities.** The fair market value of shared office space or services provided to a candidate or a local candidate without reimbursement is a donation in kind.

Subp. 5. **Campaign expenditures for constituent services paid with personal funds.** Costs of providing constituent services that are campaign expenditures and paid with the personal funds of the candidate are a donation in kind to the principal campaign committee of the candidate.

#### 4503.0900 NONCAMPAIGN DISBURSEMENTS.

Subpart 1. **Additional definitions.** In addition to those listed in Minnesota Statutes, section 10A.01, subdivision 26, the following expenses are noncampaign disbursements:

- A. transportation, meals, and lodging paid to attend a campaign school;
- B. costs of campaigning incurred by a person with a disability, as defined in Minnesota Statutes, section 363A.03, subdivision 12, and which are made necessary by the disability;
- C. the cost to an incumbent or a winning candidate of providing services to residents in the district after the general election in an election year for the office held;
- D. payment of advances of credit in a year after the year in which the advance was reported as an expenditure;
- E. payment of fines assessed by the board; ~~and~~
- F. costs of running a transition office for a winning gubernatorial candidate during the first six months after election; and

G. costs to maintain a bank account that is required by law, including service fees, the cost of ordering checks, and check processing fees.



**Subp. 4. Equipment purchases.** The cost of durable equipment purchased by a principal campaign committee, including but not limited to computers, cell phones, and other electronic devices, must be classified as a campaign expenditure unless the equipment is purchased to replace equipment that was lost, stolen, or damaged to such a degree that it no longer serves its intended purpose, or the equipment:

A. will be used solely by a member of the legislature or a constitutional officer in the executive branch to provide services for constituents during the period from the beginning of the term of office to adjournment sine die of the legislature in the election year for the office held;

B. qualifies as an expense of serving in public office under Minnesota Statutes, sections 10A.01 and 10A.173;

C. will be used solely by a winning candidate to provide services to residents in the district in accordance with subpart 1;

D. will be used solely for campaigning by a person with a disability in accordance with subpart 1;

E. will be used solely for running a transition office in accordance with subpart 1; or

F. will be used solely as home security hardware.

Subp. 53. **Reporting purpose of noncampaign disbursements.** Itemization of an expense which is classified as a noncampaign disbursement must include sufficient information to justify the classification.

#### **4503.1000 CAMPAIGN MATERIALS INCLUDING OTHER CANDIDATES.**

Subpart 1. **Inclusion of others without attempt to influence nomination or election.** Campaign materials, including media advertisements, produced and distributed on behalf of one candidate which contain images of, appearances by, or references to another candidate or local candidate, but which do not mention the candidacy of the other candidate or local candidate or make a direct or indirect appeal for support of the other candidate or local candidate, are not contributions to, or expenditures on behalf of that candidate or local candidate.

Subp. 2. **Multicandidate materials prepared by a candidate.** A candidate who produces and distributes campaign materials, including media advertisements, which include images of, appearances by, or references to one or more other candidates or local candidates, and which

mention the candidacy of the other candidates or local candidates or include a direct or indirect appeal for the support of the other candidates or local candidates must collect from each of the other candidates or local candidates a reasonable proportion of the production and distribution costs.

**4503.1600 AGGREGATED EXPENDITURES.**

~~[Repealed, L 2017 1Sp4 art 3 s 18]~~Expenditures and noncampaign disbursements may be aggregated and reported as lump sums when itemized within a report filed under Minnesota Statutes, section 10A.20, if:

- A. each expenditure or noncampaign disbursement was made to the same vendor;
- B. each expenditure or noncampaign disbursement was made for the same type of goods or services;
- C. each lump sum consists solely of aggregated expenditures or solely of aggregated noncampaign disbursements;
- D. each lump sum consists solely of aggregated expenditures or noncampaign disbursements that are paid, are unpaid, or represent the dollar value of a donations in kind;
- E. expenditures and noncampaign disbursements are aggregated over a period of no more than 31 days; and
- F. all expenditures and noncampaign disbursements made prior to the end of a reporting period are included within the report covering that period.

Lump sums must be dated based on the last date within the period over which the expenditures or noncampaign disbursements are aggregated. This subpart does not alter the date an expenditure is made for purposes of the registration requirements provided in Minnesota Statutes, section 10A.14.

## CHAPTER 4511, LOBBYIST REGISTRATION AND REPORTING

### 4511.0100 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to this chapter and Minnesota Statutes, chapter 10A. The definitions in chapter 4501 and in Minnesota Statutes, chapter 10A, also apply to this chapter.

Subp. 24a. **Designated lobbyist.** "Designated lobbyist" means a lobbyist responsible for reporting the lobbying disbursements of the entity the lobbyist represents. An entity that employs lobbyists may have only one designated lobbyist at any given time.



Subp. 42. **Gift.** "Gift" has the meaning given in chapter 4512 and Minnesota Statutes, section 10A.071.

Subp. 53. **Lobbying.** "Lobbying" means attempting to influence legislative action, administrative action, or the official action of a metropolitan governmental unit by communicating with or urging others to communicate with public officials or local officials in metropolitan governmental units. Any activity that directly supports this communication is considered a part of lobbying.

Subp. 64. **Lobbyist's disbursements.** "Lobbyist's disbursements" include all disbursements for lobbying made by the lobbyist, the lobbyist's employer or employee, or any person or association represented by the lobbyist, but do not include compensation paid to the lobbyist.



Subp. 85. **Original source of funds.** "Original source of funds" means a source of funds, other than the entity for which a lobbyist is registered, paid to the lobbyist, the lobbyist's employer, the entity represented by the lobbyist, or the lobbyist's principal, for lobbying purposes.

Subp. 96. **Public higher education system.** "Public higher education system" includes the University of Minnesota and the Minnesota State Colleges and Universities governed by Minnesota Statutes, chapter 136F. The board may issue advisory opinions at the request of other entities with respect to whether or not they are also included within this definition.

Subp. 107. **Reporting lobbyist.** "Reporting lobbyist" means a lobbyist responsible for reporting lobbying disbursements of two or more lobbyists representing the same entity. Lobbying disbursements made on behalf of an entity may be reported by each individual lobbyist that represents an entity, or by one or more reporting lobbyists, or a combination of individual reports and reports from a reporting lobbyist.

**Subp. 11. State agency.** “State agency” means the State of Minnesota and any office, officer, department, division, bureau, board, commission, authority, district, or agency of the State of Minnesota.

#### **4511.0300 PRINCIPALS.**

Individuals or associations represented by lobbyists are presumed to be principals until they establish that they do not fall within the statutory definition of a principal. A political subdivision, public higher education system, or state agency is not an association under Minnesota Statutes, section 10A.01, and is not a principal.

#### **4511.0500 LOBBYIST REPORTING REQUIREMENTS.**

**Subpart 1. Separate reporting required for each entity.** A lobbyist must report separately for each entity for which the lobbyist is registered, unless the disbursements are reported in the manner provided in Minnesota Statutes, section 10A.04, subdivision 9subpart 2.

~~Subp. 2. [Repealed, L 2017 1Sp4 art 3 s 18]~~

**Subp. 23. Report of officers and directors information.** With each report of lobbyist disbursements, a designated lobbyist must report any change in the name and address of:

A. each person, if any, by whom the lobbyist is retained or employed or on whose behalf the lobbyist appears; or

B. if the lobbyist represents an association, each officer and director of the association.

**Subp. 34. Limitation on reporting of loans.** A lobbyist is not required to report loans to a public official or a local official in a metropolitan governmental unit if:

A. the lobbyist's employer, principal, or association represented which made the loan is a financial institution; and

B. the loan was made in the ordinary course of business on substantially the same terms as those prevailing for comparable transactions with other persons.

**Subp. 45. Reporting gifts.** A gift to a public or local official from a principal for which a lobbyist is registered must be reported by the designated reporting lobbyist.

## CHAPTER 4512, GIFT PROHIBITION

### 4512.0200 GIFTS WHICH MAY NOT BE ACCEPTED.

Subpart 1. **Acceptance.** An official may not accept a gift given by a lobbyist or lobbyist principal or given as the result of a request by a lobbyist or lobbyist principal unless the gift satisfies an exception under this part or Minnesota Statutes, section 10A.071.

Subp. 2. **Use of gift to ~~metropolitan governmental unit~~ political subdivision.** An official may not use a gift given by a lobbyist or lobbyist principal to a ~~metropolitan governmental unit~~ political subdivision until the gift has been formally accepted by an official action of the governing body of the ~~metropolitan governmental unit~~ political subdivision.

**Subp. 3. Exception.** A gift is not prohibited if it consists of informational material given by a lobbyist or principal to assist an official in the performance of official duties and the lobbyist or principal had a significant role in the creation, development, or production of that material.

## CHAPTER 4525, HEARINGS, AUDITS, AND INVESTIGATIONS

### 4525.0200 COMPLAINTS OF VIOLATIONS.

Subpart 1. **Who may complain.** A person who believes a violation of Minnesota Statutes, chapter 10A, or another provision of law placed under the board's jurisdiction by Minnesota Statutes, section 10A.022, subdivision 3, or rules of the board has occurred may submit a written complaint to the board.

Subp. 2. **Form.** Complaints must be submitted in writing. The name and address of the person making the complaint, or of the individual who has signed the complaint while acting on the complainant's behalf, must be included on the complaint, ~~and it~~ The complaint must be signed by the complainant or an individual authorized to act on behalf of the complainant. A complainant ~~must~~ shall list the alleged violator and the alleged violator's address if known by the complainant and describe the complainant's knowledge of the alleged violation. Any evidentiary material should be submitted with the complaint. Complaints are not available for public inspection or copying until after the complaint is dismissed or withdrawn or the board makes a finding.

~~Subp. 3. [Repealed, 30 SR 903]~~ **Withdrawal.** Prior to a prima facie determination being made, a complaint may be withdrawn at the request of the person making the complaint or any individual authorized to act on that person's behalf. After a prima facie determination is made, a complaint may not be withdrawn.

Subp. 4. **Oath.** Evidentiary testimony given in a meeting conducted by the board under this chapter must be under oath. Arguments made to the board that do not themselves constitute evidence are not required to be under oath.

Subp. 5. **Confidentiality.** Any portion of a meeting during which the board is hearing testimony or taking action concerning any complaint, investigation, preparation of a conciliation agreement, or a conciliation meeting must be closed to the public. The minutes and ~~tape~~ recordings of a meeting closed to the public must be kept confidential.

Subp. 6. **Hearings.** At any time during an investigation of a complaint, the board may hold a contested case hearing before making a finding on the complaint.

### 4525.0220 SUMMARY PROCEEDINGS.

Subpart 1. **Summary proceeding.** A summary proceeding is an action other than a complete formal investigation that is undertaken to resolve a matter, or a part of a matter, that is the subject of a complaint, an investigation, or an audit. A staff review under part 4525.0320 is one form of summary proceeding.

Subp. 2. **Request by respondent.** At any time, a respondent may request that a matter or a part of a matter be resolved using a summary proceeding. The request must be in writing and must:

- A. specify the issues the respondent is seeking to resolve through the summary proceeding;
- B. explain why those issues are suitable for the summary proceeding; and
- C. explain how the proposed summary proceeding would be undertaken.

Subp. 3. **Consideration of request by board.** Upon receipt of a request for a summary proceeding, the executive director must submit the request to the board. If the matter was initiated by a complaint, the complaint has not been dismissed, and a probable cause determination has not been made, the executive director must send a copy of the request to the complainant no later than the time that the request is submitted to the board. Under any other circumstances a complainant must not be notified, or provided a copy, of the request. The request must be considered by the board at its next meeting that occurs at least ten days after the request was received. If the executive director sends a copy of the request to the complainant pursuant to this subpart, the complainant must be given an opportunity to be heard by the board.

The board is not required to agree to a request for a summary proceeding. If the board modifies the respondent's request for a summary proceeding, the board must obtain the respondent's agreement to the modifications before undertaking the summary proceeding.