

571—1.8(17A,455A) Sales and leases of goods, real estate, and services.

1.8(1) *Sales and leases.* The general provisions for the sales and leases of goods, real estate, and services by commission members is governed by rule 351—6.11(68B).

1.8(2) *Consent by rule.* The commission concludes that sales or leases of goods, real estate, or services described in this paragraph do not, as a class, constitute the sale or lease of a good, real estate, or service that affects an official's functions. Application and department approval are not required for these sales or leases unless there are unique facts surrounding a particular sale or lease that would cause that sale or lease to affect the official's duties or functions, would give the buyer an advantage in its dealings with the department, or would otherwise present a conflict of interest.

Sales or leases for which consent is granted by rule are:

a. Nonrecurring sale or lease of goods and services if the official is not engaged for profit in the business of selling or leasing those goods or services.

b. Sale or lease of farm products at market prices to a buyer ordinarily engaged in the business of purchasing farm products or to the general public at a farmer's market, retail store, or road-side stand.

c. Sale or lease of goods to general public at an established retail or consignment shop.

d. Sale or lease of legal, mechanical, or other services at market or customary prices. However, if an official's client or customer has a matter for decision before the commission, the official shall not participate in the discussion and voting on that matter unless consent has been obtained.

e. Sale or lease of goods at wholesale prices to a buyer ordinarily engaged in the business of purchasing wholesale goods for retail sale.

f. Sale or lease of creative works of art, including but not limited to sculpture and literary products, at market, auction, or negotiated prices. However, if an official's customer has a matter for decision before the commission directly or indirectly involving that good, the official shall not participate in the discussion and voting on that matter unless consent has been obtained.

g. Sale or lease of goods to general public at market or franchiser-established prices. However, if an official's customer has a matter for decision before the commission, the official shall not participate in the discussion and voting on that matter unless consent has been obtained.

h. Sale or lease of real estate at a live auction or through an open or closed bidding process. However, if the buyer, seller, lessee, or lessor has a matter for decision before the commission within the next 12 months, the official shall not participate in the discussion and voting on that matter unless consent has been obtained.

i. Leasing of real estate; however, if the lessee or lessor has a matter for decision before the commission, the official shall not participate in the discussion and voting on that matter unless consent has been obtained.

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