

ETHICAL PRACTICES BOARD

First Floor South, Centennial Building . 658 Cedar Street . St. Paul, MN 55155-1603

THE FOLLOWING PUBLICATION DOES NOT IDENTIFY
THE REQUESTER OF THE ADVISORY OPINION, WHICH IS NONPUBLIC DATA

under Minn. Stat. § 10A.02, subd. 12(b) (1994 Minn. Laws, ch. 377, sec. 1)

RE: Gifts to Officials

ADVISORY OPINION #162

SUMMARY

162. An organization that is a lobbyist principal may not provide complimentary registration fees to one or more officials to attend the organization's educational programs. The service is a gift from a lobbyist principal to an official that is prohibited by Minn. Stat. § 10A.071, subd. 3 (2) (Laws of 1994, Ch. 377, sec. 5).

FACTS

As a registered lobbyist representing an organization that is a lobbyist principal, you ask the Ethical Practices Board for an for an advisory opinion based on your statement of the following facts:

1. A 1994 law prohibits a lobbyist principal from giving and prohibits an official from receiving a gift. Included in the definition of gift is a service.
2. The organization you represent has a large educational program and many of its offerings are made available to members of the public for a registration fee that includes tuition and refreshments, if any, during the program.
3. In the past at least one official has shown an interest in extending the official's knowledge about the subjects included in the organization's education programs and prior to the passage of the 1994 law that prohibits gifts from a lobbyist principal to an official, the organization has provided a complimentary registration fee for this official and would do so for other officials had they requested complimentary registration fees.
4. Some of these presentations may not have a direct bearing on issues currently under consideration by the official, but rather would expand the general knowledge of a official about the subject matter. The organization desires to be able to continue to compliment these occasional registration fees, since it shows initiative and interest on the part of the official in trying to build a general

knowledge base about the subject matter of the programs.

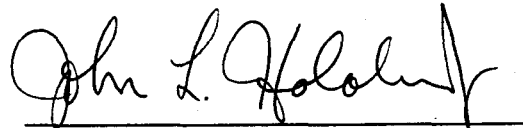
QUESTION

May the organization continue to provide an occasional complimentary registration fee to one or more officials to attend one of the organization's educational programs that are made available to the public for a registration fee?

OPINION

No. The Board believes that providing this service is a gift from a lobbyist principal to an official, which is prohibited by Minn. Stat. § 10A.071, subd. 3 (2) (Laws of 1994, Ch. 377, sec. 5).

Issued: 9-15-1994



John L. Holahan, Jr., Chair
Ethical Practices Board

PERTINENT STATUTES

Laws of 1994, Ch. 377, sec. 5, created Minn. Stat. § 10A.071 CERTAIN GIFTS BY LOBBYISTS AND PRINCIPALS PROHIBITED which provides:

Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "Gift" means money, real or personal property, a service, a loan, a forbearance or forgiveness of indebtedness, or a promise of future employment, that is given without the giver receiving consideration of equal or greater value in return.

(c) "Official" means a public official, an employee of the legislature, or a local official of a metropolitan governmental unit.

Subd. 2. **Prohibition.** A lobbyist or principal may not give a gift or request another to give a gift to an official. An official may not accept a gift from a lobbyist or principal.

Subd. 3. **Exceptions.** (a) The prohibitions in this section do not apply if the gift is:

- (1) a contribution as defined in section 10A.01, subdivision 7;
- (2) services to assist an official in the performance of official duties, including but not limited to providing advice, consultation, information, and communication in connection with legislation, and services to constituents;
- (3) services of insignificant monetary value;
- (4) a plaque or similar memento recognizing individual services in a field of specialty or

to a charitable cause;

(5) a trinket or memento of insignificant value;

(6) informational material of unexceptional value; or

(7) food or a beverage given at a reception, meal, or meeting away from the recipient's place of work by an organization before whom the recipient appears to make a speech or answer questions as part of a program.

(b) the prohibitions in this section do not apply if the gift is given:

(1) because of the recipient's membership in a group, a majority of whose members are not officials, and an equivalent gift is given to the other members of the group; or

(2) by a lobbyist or principal who is a member of the family of the recipient, unless the gift is given on behalf of someone who is not a member of that family.