

**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 #165**

**SUMMARY**

165. The presentation of recognition awards to officials in the form of a plaque or similar memento recognizing individual services in a field of specialty by a lobbyist principal is within the exceptions to the gift prohibition in Minn. Stat. § 10A.071, subd. 3 (4) and (5).

**FACTS**

As a registered lobbyist for a lobbyist principal, you request an advisory opinion based on your statement of the following facts:

1. Every two years the lobbyist principal presents recognition awards to legislators who score well on the principal's voting record.
2. The award is a printed certificate inserted in an inexpensive frame costing approximately \$2.99.

**QUESTION**

Is a lobbyist principal's recognition award to legislators within the exceptions to the gift prohibition in Minn. Stat. § 10A.071, subd. 3 (4) and (5)?

**OPINION**

Yes. The gift prohibitions do not apply to a plaque or similar memento recognizing individual services in a field of specialty or to a trinket of insignificant value given by a lobbyist or lobbyist principal to an official. Minn. Stat. § 10A.071, subd. 3 (4) and (5).

Issued: 10-7-1994



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 and received 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 sections 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 by 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 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.