

**ETHICAL PRACTICES BOARD**

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

Issued to:

The Honorable Loren A. Solberg  
115 Fifth Avenue, Box 61  
Bovey, MN 55709

**RE: Loan to Official**

**ADVISORY OPINION #181**

**SUMMARY**

181. A loan from the Minnesota Deer Hunters Association, a lobbyist principal, in the form of a picture to be hung in an official's office is a gift prohibited by Minn. Stat. § 10A.071, subd. 1 (b) and (c).

**FACTS**

As a state representative you are a public official as defined in Minn. Stat. § 10A.01, subd. 18 (a), and, therefore, an official as defined in Minn. Stat. § 10A.071, subd. 1(c). You ask the Ethical Practices Board for an advisory opinion based on your statement of the following facts:

1. The Minnesota Deer Hunters Association, a lobbyist principal, loaned to you a picture to be hung in your legislative office; however, the picture has not yet been hung in your legislative office.
2. The Association loaned you the picture with the understanding that the picture is strictly on loan and that the Association may reclaim the picture at any time they so choose.
3. Upon your departure from the legislature, it would be your duty to return the picture to the Association.

**QUESTION**

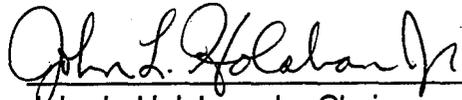
May you accept the Minnesota Deer Hunters Association's loan of a picture to be hung in your legislative office?

**OPINION**

No. The Board believes that accepting a loan from the Minnesota Deer Hunters Association, a

lobbyist principal, in the form of a picture to be hung in a legislator's office is a gift prohibited by Minn. Stat. § 10A.071, subd. 1 (b) and (c).

Issued: 10-26-1994

  
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.