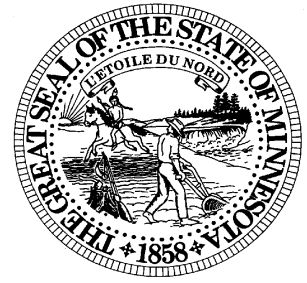


Minnesota

*Campaign Finance and
Public Disclosure Board*



Date: August 17, 2010

To: Advisory Opinion Files
Opinions 198, 218, 238, and 245

From: Gary Goldsmith, Executive Director

Telephone: 651-296-1721

Re: Legislation renders Advisory Opinion obsolete

This Advisory Opinion, which relates to gifts of plaques from lobbyists or lobbyist principals to officials under Minnesota Statutes Section 10A.071, is obsolete.

The 2009 legislature changed the language of the exception so that most gifts of plaques are now permitted.

The statute is here:

<https://www.revisor.mn.gov/statutes/?id=10A.071>

The exception is found in subd. (3)(a)(4).

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: Gift to Official

ADVISORY OPINION #198

SUMMARY

198. The acceptance of an award from an association that is a lobbyist principal in the form of a scenic photograph with an inscription plate personally recognizing by name an official's services in a field of specialty or charitable cause is within the exceptions to the gift prohibition in Minn. Stat. § 10A.071, subd. 3 (4), for a plaque or similar memento.

FACTS

As a public official as defined in Minn. Stat. § 10A.01, subd. 18, and, therefore, an official as defined in Minn. Stat. § 10A.071, you ask the Ethical Practices Board for an advisory opinion based on your statement of the following facts and information provided:

1. An association that is a lobbyist principal has awarded you the association's annual award for public service.
2. The association has offered you a scenic photograph in recognition of the award.
3. The photograph with inscription plate is estimated in value by the association as costing \$50 to \$60. The inscription plate will bear your name and identify the recognition awarded to you.

QUESTION

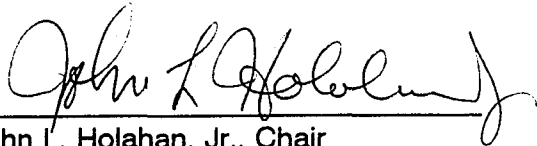
Is the photograph with a personalized inscription plate, presented to you by the Sierra Club, a lobbyist principal, within the exception to the gift prohibition in Minn. Stat. § 10A.071, subd. 3 (a) (4)?

OPINION

Yes. Based upon the information provided in this request, the Board concludes that the personalized inscription plate is a plaque or memento recognizing individual services in a field of specialty or to a charitable cause in accordance with the provisions of Minn. Stat. § 10A.071, subd. 3 (a)(4).

The Ethical Practices Board refers the requester to Advisory Opinion No. 165, in which the Board has answered similar questions.

Issued: 2-3-1995


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

PERTINENT STATUTES

Minn. Stat. § 10A.071 CERTAIN GIFTS BY LOBBYISTS AND PRINCIPALS PROHIBITED 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.