

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)

RE: Gift of informational material to official

ADVISORY OPINION # 226

SUMMARY

A black and white calendar produced by a lobbyist principal and containing informational material only, which is available for sale for \$5.00, is exempt from the Minn. Stat. § 10A.071 prohibition of gifts to officials because it is informational material of unexceptional value.

FACTS

As a the representative of a lobbyist principal, you request an advisory opinion from the Ethical Practices Board based on the following facts:

1. The lobbyist principal represents organizations which are its members.
2. Annually, the principal produces a calendar, which is black and white and has no pictures, but includes extensive text indicating deadlines and other dates and information important to the principal's members.
3. The calendar costs \$1.81 to produce. One copy is given without charge to each of the principal's members. Additional copies may be purchased for \$5.00 each.

ISSUE

Is a gift to an official of the informational calendar described exempt from the gift prohibitions established in Minnesota Statutes § 10A.071?

OPINION

Yes, the calendar is exempt under Minnesota Statutes 10A.071, subd. 3(6), because it is informational material of unexceptional value.

Issued: 1/26/96



Douglas H. Sillers, Chair
Ethical Practices Board

CITED STATUTES

10A.071 CERTAIN GIFTS BY LOBBYISTS AND PRINCIPALS PROHIBITED.

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 section do not apply if the gift is:

....
(6) informational material of unexceptional value;

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