

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: Official's participation in trip awarded to spouse

ADVISORY OPINION # 229

SUMMARY

A trip for two awarded by a lobbyist principal to its employee for superior performance is not a gift to an official who is the employee's spouse and who accompanies the employee on the trip.

FACTS

As a legislator, and therefore an official as defined by Minn. Stat. § 10A.071, subd. 1(c), you request an advisory opinion from the Ethical Practices Board based on the following facts provided in your request or conveyed by you to Board staff:

1. Your spouse is a long-time sales employee of a lobbyist principal.
2. For many years, your spouse's employer has annually awarded its most outstanding sales people with a trip which includes a program of motivational presentations as well as time for leisure activities.
3. The award to the employee includes travel, lodging, meals and activities for the employee and another person of the employee's choice. Both the employee and the person accompanying the employee are expected to attend the motivational presentations.

ISSUE

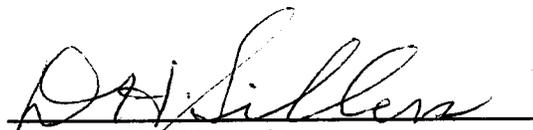
May an official whose spouse is awarded a trip for two by the spouse's employer, a lobbyist principal, accompany the spouse on the trip without giving consideration to the employer and without violating the gift prohibitions of Minn. Stat. § 10A.071?

OPINION

Yes, you may participate in the trip you describe without giving consideration to your spouse's employer.

It is the opinion of the Board that the trip you describe is an award of a bonus to your spouse for superior performance made in the form of in-kind compensation. Minn. Stat. § 10A.071 does not prohibit the spouse of an official from sharing compensation with the official.

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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:

(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.