

ETHICAL PRACTICES BOARD

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

**THIS ADVISORY OPINION IS PUBLIC DATA
pursuant to Consent for Release of Information signed by requester.**

**Issued to: Sarah Janecek
Spano & Janecek
26 East Exchange Street
St. Paul, MN 55101**

RE: Baby shower gifts and refreshments

ADVISORY OPINION # 232

SUMMARY

A lobbyist may not give a gift of refreshments to officials attending a baby shower. A gift given by a lobbyist at a baby shower for an official is a prohibited gift to the official. A lobbyist may not request others attending a baby shower for an official to give gifts to the official.

FACTS

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

1. You would like to give a baby shower for a friend who is an official as defined in Minn. Stat. § 10A.071, subd. 1(c).
2. You would provide refreshments for the guests at the shower, some of whom would be officials as defined in Minn. Stat. § 10A.071, subd. 1(c).
3. You would like to have those present give gifts.
4. Your request for an Advisory Opinion refers to the gifts as "gifts to the baby". You state that the gifts which will be given at the shower are gifts for the expected baby, not the official.

ISSUE ONE

Must your friend and any other officials attending the shower pay you the fair market value of the refreshments which you provide?

OPINION

Yes. A gift of food provided by a lobbyist to an official is a prohibited gift under Minn. Stat. § 10A.071, unless the official contemporaneously pays the lobbyist the fair market value of the food provided.

ISSUE TWO

Is a gift given at the baby shower by a lobbyist prohibited by Minn. Stat. § 10A.071?

OPINION

Yes.

It is the Board's opinion that gifts at a baby shower for an official are gifts to the official rather than to the baby. Minn. Stat. § 10A.071 applies to all gifts from lobbyists to officials. There are no provisions permitting separate treatment for social gifts or gifts given to an official in some non-official capacity.

ISSUE THREE

May officials or others who are not lobbyists give gifts to the official at the shower?

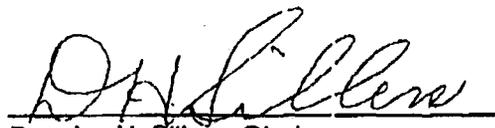
OPINION

No.

By definition, a shower is a social occasion where gifts are given to the recipient of the shower. The giver of a shower, by strong implication and social custom, is requesting the invitees to give gifts to the person for whom the shower is given.

When a shower is given by a lobbyist for an official, gifts given at the shower are requested by the lobbyist within the meaning of Minn. Stat. § 10A.071 and are thus prohibited.

Issued: 2/23/96


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:

(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.