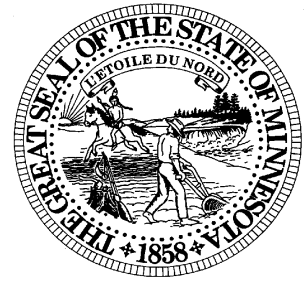


Minnesota

*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to gifts of plaques from lobbyists or lobbyist principals to officials under Minnesota Statutes Section 10A.071, is obsolete.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

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

**Issued to: Minnesota Licensed Beverage Association, Inc. →
2353 Rice Street, Suite 139
St. Paul, MN 55113**

RE: Award of Plaque to Legislator

ADVISORY OPINION # 238

SUMMARY

The award of a plaque valued at \$20 to \$100 by a lobbyist principal to a legislator based on performance of legislative duties is prohibited by Minn. Stat. § 10A.071.

FACTS

An association which is a lobbyist principal requests an advisory opinion from the Ethical Practices Board based on the following facts provided in the request or conveyed by its representatives to Board staff:

1. The association wishes to make an annual award of a plaque to a state legislator based on the legislator's performance on issues important to the association's members.
2. The plaque would designate the selected legislator as "legislator of the year" and would have a cost of between \$20 and \$100.
3. The association asks whether the award of such a plaque is permitted under Minnesota Statutes Chapter 10A.

ISSUE

Is the award of a plaque costing between \$20 and \$100 by a lobbyist principal to a legislator based on performance of legislative duties permitted under Minn. Stat. § 10A.071?

OPINION

No, the award of the plaque described is not permitted under Minn. Stat. § 10A.071.

The plaque is a gift from a lobbyist principal to an official and is thus prohibited by Minn. Stat. § 10A.071, subd. 2, unless it falls under one of the exceptions to the prohibition.

An exception is provided in Minn. Stat. § 10A.071, subd. 3(a)(4), for plaques recognizing "individual services in a field of specialty or to a charitable cause". However, Minn. Rules part 4512.0100, subp. 4, limits the definition of "individual services" to "services performed by an official outside of official duties". Since the association would award the plaque on the basis of legislative performance, this exception is not applicable.

The only other exception under which the plaque might be given is found in Minn. Stat. § 10A.071, subd. 3(a)(5), which applies to a "trinket or memento of insignificant value". It is the opinion of the Board that a plaque costing at least \$20 is of more than insignificant value and that this exception is not applicable to the facts presented.

Issued: 5-31-96


Carolyn Rodriguez, 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:

(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;