

**ETHICAL PRACTICES BOARD**

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

Issued to:

Wes D. Lane, Minnesota D.R.I.V.E.  
Suite 510, 3001 University Avenue S.E.  
Minneapolis, MN 55414

**RE: Gift from Lobbyist or Principal**

**ADVISORY OPINION #141**

**SUMMARY**

141. A gift from a lobbyist or a lobbyist principal to an official is prohibited unless the gift falls within an exemption provided in Minn. Stat. § 10A.071 (Laws of 1994, Ch. 377, sec. 2).

**FACTS**

As a registered lobbyist for Minnesota D.R.I.V.E., you advise the Board that every year around the end of December, Minnesota D.R.I.V.E., the political committee representing Minnesota Teamsters, gives desk diaries or pocket calendars to the Minnesota House and Senate, County Commissioners in the seven county area, and some City Council members and County Attorneys. You state that D.R.I.V.E. gives a newly elected person a leatherette folder with the calendar insert; however, because the folder generally lasts a few years, most elected officials receive the calendar refill each year and a new folder every three or four years. You further state that the pocket calendars [leatherette folder and insert] are also given to certain elected officials.

You list the following costs to D.R.I.V.E. for each of these gifts: leatherette folder, \$5.65; calendar insert for this folder, \$4.45; pocket calendar [folder and insert], \$2.00.

You ask the Board how to proceed for the coming year [1995] because you would need to order the gifts this summer if the gifts are permitted under a 1994 law that becomes effective August 1, 1994.

**OPINION**

The gifts as described do not fall within any of the exemptions in Minn. Stat. § 10A.071 (Laws of 1994, Ch. 377, sec. 5); therefore, the gifts are prohibited.

Issued:

*June 2, 1994*

*Vanne Owens Hayes*  
Vanne Owens Hayes, Chair  
Ethical Practices Board

## PERTINENT STATUTES

Laws of 1994, Ch. 377, Sec. 5, created Minn. Stat. § 10A.071 CERTAIN GIFTS BY LOBBYISTS AND PRINCIPALS PROHIBITED which 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 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 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.