

**ETHICAL PRACTICES BOARD**

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

Issued to:

Mark R. Anfinson, Esq.  
Lake Calhoun Professional Building  
3109 Hennepin Avenue South  
Minneapolis, MN 55408

**RE: Complimentary Copies of Newspapers**

**ADVISORY OPINION #143**

**SUMMARY**

143. The distribution of complimentary copies of a newspaper to legislators by the newspaper's publisher is included in the exceptions to the gift prohibition in Minn. Stat. § 10A.071 (Laws of 1994, Ch. 377, sec. 5). Payment of dues to the Minnesota Newspaper Association does not cause a member to be a lobbyist or a lobbyist principal.

**FACTS**

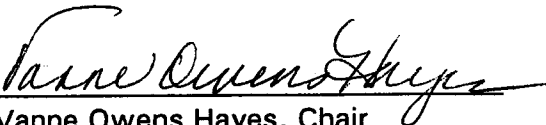
As attorney for the Minnesota Newspaper Association (MNA) you request an advisory opinion as to whether MNA's practice of providing complimentary copies to legislators violates Minn. Stat. § 10A.071 based on your statement of the following facts:

1. MNA has over the years provided legislators with complimentary copies of their home newspapers during the legislative session.
2. MNA's main purpose for providing complimentary copies is to keep legislators informed about events that occur in their home district.
3. MNA members pay dues which go into the organization's general funds, some of which are periodically spent on lobbying.
4. Although MNA conducts lobbying activities, you do not read the statute to mean that the newspapers that are members are principals within the meaning of the statute.
5. The practice of distributing complimentary newspapers as described above in your opinion does not meet either of the criteria in subdivision 28 though all members pay dues to MNA.

## OPINION

No, the practice described is included in the exceptions to the gift prohibition in Minn. Stat. § 10A.071 (Laws of 1994, Ch. 377, sec. 5). It is further the opinion of the Board that payment of dues to the Minnesota Newspaper Association, which conducts lobbying activities, does not in and of itself cause a member to be a lobbyist or a lobbyist principal.

Issued: June 7, 1994

  
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 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.