

**ETHICAL PRACTICES BOARD**

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

Issued to:

John Rajkowski, Lobbyist  
Twin West Chamber of Commerce  
10550 Wayzata Boulevard  
Minnetonka, MN 55305

**RE: Gifts to Officials**

**ADVISORY OPINION #153**

**SUMMARY**

153. Complimentary breakfasts given to legislators who appear at an organization's series of meetings to speak or to respond to questions as part of the program are included in the exceptions to the gift prohibition in Minn. Stat. § 10A.071, subd. 3 (7) (Laws of Minnesota, Ch. 377, sec. 5).

**FACTS**

As a lobbyist for Twin West Chamber of Commerce ("Chamber") you ask the Ethical Practices Board for an advisory opinion based upon your statement of the following facts:

1. From September through June the Chamber sponsors a series of legislative breakfast meetings that are funded through subscriptions and corporate sponsorships.
2. When soliciting sponsorships the Chamber explains that the money underwrites the cost of publicizing and staffing the program and the cost of complimentary breakfasts for speakers, students, and local legislators.
3. During the 30 minutes of breakfast before the program starts, local legislators are engaged in directed conversations on business issues. A member of the Chamber government affairs committee is assigned to each table to keep the conversation on issues, e. g., taxes, workers compensation.
4. This year as part of the program the Chamber will ask local legislators to spend a few minutes talking about current or pending legislation or offer their opinion of an issue important to the Chamber.

5. After the legislators' talks, the program consists of one or two featured speakers followed by a question and answer session in which local legislators will take part by asking questions or offering further insights if they are asked to do so by the main speakers.

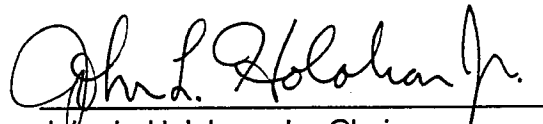
### QUESTION

Should the Chamber continue to provide complimentary breakfasts to legislators during the Chamber's series of legislative breakfasts or should the Chamber charge the legislators for the cost of their breakfasts?

### OPINION

The Chamber may continue to provide complimentary breakfasts to legislators during the Chamber's series of legislative breakfasts when the legislators speak at the meeting or respond to questions from the organization and its subscribers or corporate sponsors as part of the program. Under Minn. Stat. § 10A.071 the gift prohibitions do not apply to food or a beverage given by an organization before whom the recipient appears to make a speech or to respond to questions as part of a program. Minn. Stat. § 10A.071, subd. 3 (7) (Laws of 1994, Ch. 377, sec. 5).

Issued: August 2, 1994



John L. Holahan, Jr., 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 by 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.