

**ETHICAL PRACTICES BOARD**

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

Issued to:

Frank J. Corrigan, Executive Director  
The Minnesota Transportation Alliance  
672 Transfer Road  
St. Paul, MN 55110-1402

**RE: Gifts to Officials**

**ADVISORY OPINION #156**

**SUMMARY**

156. The Minnesota Transportation Alliance, a lobbyist principal, may provide to officials at no cost a periodical publication relating to public policy issues. The publication as described in this request is within the exception from the gift prohibition for services to assist an official in the performance of official duties, including information and communication in connection with legislation, and it also is within the exception for informational material of unexceptional value. Minn. Stat. § 10A.071, subd. 3 (2), (6) (Laws of 1994, Ch. 377, sec. 5).

**FACTS**

As executive director of The Minnesota Transportation Alliance (Alliance), a lobbyist principal represented by lobbyists registered with the Ethical Practices Board, you ask the Board for an advisory opinion on your statement of the following facts:

1. The Alliance is a not-for-profit coalition of groups, businesses, labor, and local governments concerned about surface transportation in Minnesota that was founded in 1893 and is funded through membership dues.
2. The Alliance is planning to introduce a public policy magazine to be published four times per year that will discuss public policy issues affecting the delivery and operation of Minnesota's surface transportation systems.
3. The magazine will be financially supported by paid advertising and distributed by the Alliance to its membership, government officials and employees, local government officials and employees, and others at no cost.
4. The value of a single copy of the publication would be approximately \$3.50.
5. It has been the understanding of the Alliance that this publication meets the

intentions of Sections 5 and 6 of Laws of 1994, Chapter 377, which allow "informational material of unexceptional value" to given as a gift to government officials and local officials.

### QUESTION

May The Minnesota Transportation Alliance provide to officials at no cost to the officials a periodical publication relating to public policy issues in the field of transportation infrastructure that is supported by paid advertising?

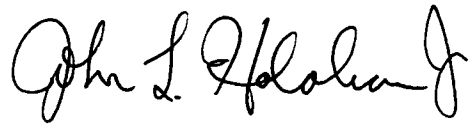
### OPINION

Yes. Minn. Stat. § 10A.071 prohibits gifts from lobbyists or lobbyist principals to officials. The statute also provides certain exceptions to the prohibition including services to officials to assist them in the performance of their official duties.

Based on a review of the information submitted, the Board concludes that the publication described therein is within the exception from the gift prohibition for services to assist an official in the performance of official duties, including information and communication in connection with legislation, and it also is within the exception for informational material of unexceptional value. Minn. Stat. § 10A.071, subd. 3 (2), (6) (Laws of 1994, Ch. 377, sec. 5).

Issued: \_\_\_\_\_

8-12-1994



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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 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.