

**ETHICAL PRACTICES BOARD**

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

THE FOLLOWING PUBLICATION DOES NOT IDENTIFY  
THE REQUESTER OF THE ADVISORY OPINION, WHICH IS NONPUBLIC DATA

under Minn. Stat. § 10A.02, subd. 12(b) (1994 Minn. Laws, ch. 377, sec.1)

**RE: Gifts to Officials**

**ADVISORY OPINION #191**

**SUMMARY**

191. An association that is a lobbyist principal is prohibited from providing complimentary food and beverage to officials at an event. Minn. Stat. § 10A.071.

**FACTS**

As executive director for an association that is a lobbyist principal, you ask the Ethical Practices Board for an advisory opinion based on your statement of the following facts and information provided:

1. The association would like to sponsor a reception and invite officials. Food and beverage would be made available to those in attendance.
2. The association intends to have an admission fee of a minimum ten dollar donation, with the proceeds going to a charitable fund.
3. The minimum donation would be collected from every individual who would attend this two to three hour event; after the admission charge is paid, there would be no additional fees for food or beverage.

**QUESTION ONE**

May the association, a lobbyist principal, provide complimentary food and beverage to officials at an event?

**OPINION**

No. The association, a lobbyist principal, is prohibited from providing gifts to officials. Minn. Stat. § 10A.071. Officials are prohibited from accepting a gift from a lobbyist or a lobbyist principal without the giver receiving consideration of equal or greater value in return.

## QUESTION TWO

Does the payment of the cost to host the reception come from the association's political fund or from the general fund of the association?

## OPINION

See response to Question One, above.

The Ethical Practices Board refers the requester to Advisory Opinion Nos. 142, 147, 148, 155, 157, 159, 160, 163, 167, 168, 169, 171, 173, 174, 175, 179, 180, 183, 185, and 186, in which the Board has answered similar questions.

Issued: 12-21-1994



John L. Holahan, Jr., Chair  
Ethical Practices Board

## PERTINENT STATUTES

Minn. Stat. § 10A.01 DEFINITIONS provides:

...

Subd. 11. (a) "Lobbyist" means an individual:

(1) engaged for pay or other consideration, or authorized to spend money by another individual, association, political subdivision, or public higher education system, who spends more than five hours in any month or more than \$250, not including the individual's own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative action or administrative action, or the official action of a metropolitan governmental unit, by communicating or urging others to communicate with public or local officials.

...

Subd. 28. **Principal.** "Principal" means an individual or association that:

(1) spends more than \$500 in the aggregate in any calendar year to engage a lobbyist, compensate a lobbyist, or authorize the expenditure of money by a lobbyist; or

(2) is not included in clause (1) and spends a total of at least \$50,000 in any calendar

year on efforts to influence legislative action, administrative action, or the official action of governmental units, as described in section 10A.04, subdivision 6.

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.