

**ETHICAL PRACTICES BOARD**

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

Issued to:

Erin T. Roth

Suite 260

8 Pine Tree Drive

St. Paul MN 55112

**RE: Gift to Legislative Employee**

**ADVISORY OPINION #217**

**SUMMARY**

217. A lobbyist is prohibited from giving a gift to a legislative employee. Legislative employees are prohibited from accepting a gift from a lobbyist. Minn. Stat. § 10A.071, subs. 1 and 2. The wedding gift described in this request is not a prohibited gift if the giver receives consideration of equal or greater value in return. Minn. Stat. § 10A.071, subd. 1(b). Although the Board may take enforcement action, Chapter 10A provides no monetary penalty for violations of Minn. Stat. § 10A.071.

**FACTS**

As a registered lobbyist, you ask the Ethical Practices Board for an advisory opinion based on your statement of the following facts:

1. You have been asked and accepted the invitation to be best man in a friend's wedding. The friend is employed by the Minnesota Legislature. You would like to give a wedding gift to the bride and groom.
2. Your friendship with the legislative employee has nothing to do with your being a lobbyist.

**QUESTION 1**

Is it acceptable for you, a lobbyist, to give a close friend, a legislative employee, and the legislative employee's spouse a wedding gift?

## OPINION

No. As a lobbyist, you are prohibited from providing a gift to a legislative employee. Legislative employees are prohibited from accepting a gift from a lobbyist. However, if the giver receives consideration of equal or greater value in return for a gift, the prohibition does not apply.

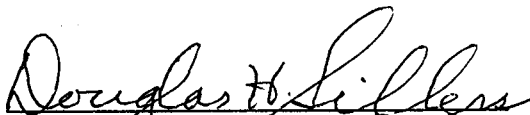
## QUESTION 2

If this is a violation, are there any penalties which apply to myself and the groom if we chose to ignore the statute?

## OPINION

There are no monetary civil penalties for violation of Minn. Stat. § 10A.071. However, you should be aware that the Board or a county attorney may take action under Minn. Stat. § 10A.34, subd. 2, to enforce the provision.

Issued: 8/21/95

  
Douglas H. Sillers, Chair  
Ethical Practices Board

## PERTINENT STATUTES

Minn. Stat. § 10A.071 CERTAIN GIFTS BY LOBBYISTS AND PRINCIPALS PROHIBITED 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.

Minn. Stat. § 10A.34 Remedies provides, in relevant part:

...

Subd. 2. The board or a county attorney may seek an injunction in the district court to enforce the provisions of sections 10A.02 to 10A.34.