

ETHICAL PRACTICES BOARD

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

Issued to: William E. Connors
Fiscal Analyst
Minnesota House of Representatives
430 State Office Building
St. Paul, MN 55155

RE: Law firm employee reunion

ADVISORY OPINION #220

SUMMARY

220. An official may accept a gift of food and beverages at a law firm's reunion for its former employees provided payment of expenses for the reunion is not made by or requested by a lobbyist or a lobbyist principal. The fact that a current attorney with the firm is a lobbyist does not make the firm a principal. Being a former member of a law firm does not constitute "membership in a group" so as to bring the gift within an exception to the gift prohibition established by Minn. Stat. § 10A.071.

FACTS

This opinion is based on your statement of the following statement of facts and information from the Board's records:

1. You are an employee of the State legislature and are also a former member of a Minnesota law firm.
2. One of the law firm's attorneys is a registered lobbyist, however, the firm is not named as a lobbyist principal in the Board's records.
3. The firm is hosting a reunion for its former employees and shareholders and intends to provide food and beverages without charge to attendees.

ISSUE ONE

Would your acceptance of the gift of food and beverages under the stated facts be prohibited by Minn. Stat. §10A.071?

OPINION

No, unless payment of expenses for the reunion was made by or requested by a lobbyist or a lobbyist principal you may accept a gift of food and beverages at a law firm's reunion for its former employees¹.

The fact that the law firm has among its attorneys a lobbyist does not make the firm a lobbyist principal.

If the reunion is the result of a management decision made in the ordinary course of the firm's business it would not be considered to be made or requested by a lobbyist or principal.

ISSUE TWO

What constitutes "membership in a group" so as to bring an otherwise prohibited gift within the exception provided in Minn. Stat. § 10A.071, subd. 3(b)(1).

OPINION

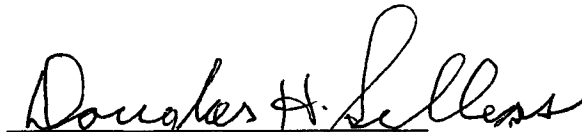
Being a former member of a particular law firm does not rise to the status of "membership in a group" as that phrase is used in the exception provided in Minn. Stat. § 10A.071, Subd. 3(b)(1).

A certain level of formality in both the element of membership and the definition of the group are required. In determining whether an individual falls within the "membership in a group" definition, the Board will consider all relevant information about the group and membership in it.

Under the facts you present, the group consists of former employees of the law firm. These persons are included in the group based solely on their former employment status. They do nothing to join the group, have no obligations to it, and cannot be excluded from the group even if they wanted to be. The group has no incidents of formality or organization. It has no name and no organizational structure. It holds no meetings and conducts no business.

Based on this analysis, being a former employee of a particular law firm does not constitute "membership in a group" which would bring the individual within the exemption provided in Minn. Stat. § 10A.071 Subd. 3(b)(1).

Issued: 20/10/94



Douglas H. Sillers, Chair
Ethical Practices Board

¹ Minn. Stat. § 10A,071, subd. 2. See also Advisory Opinion 212