RE: Gift of informational material to official

ADVISORY OPINION # 226

SUMMARY

A black and white calendar produced by a lobbyist principal and containing informational material only, which is available for sale for $5.00, is exempt from the Minn. Stat. § 10A.071 prohibition of gifts to officials because it is informational material of unexceptional value.

FACTS

As a the representative of a lobbyist principal, you request an advisory opinion from the Ethical Practices Board based on the following facts:

1. The lobbyist principal represents organizations which are its members.

2. Annually, the principal produces a calendar, which is black and white and has no pictures, but includes extensive text indicating deadlines and other dates and information important to the principal's members.

3. The calendar costs $1.81 to produce. One copy is given without charge to each of the principal's members. Additional copies may be purchased for $5.00 each.
ISSUE

Is a gift to an official of the informational calendar described exempt from the gift prohibitions established in Minnesota Statutes § 10A.071?

OPINION

Yes, the calendar is exempt under Minnesota Statutes 10A.071, subd. 3(6), because it is informational material of unexceptional value.

Issued: 1/26/96

Douglas H. Sillers, Chair
Ethical Practices Board

CITED STATUTES

10A.071 CERTAIN GIFTS BY LOBBYISTS AND PRINCIPALS PROHIBITED.
Subd. 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 section do not apply if the gift is:

(6) informational material of unexceptional value;
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