

**ETHICAL PRACTICES BOARD**

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

THIS ADVISORY OPINION IS PUBLIC DATA  
pursuant to Consent for Release of Information signed by requester.

Issued to: Sarah Janecek  
Spano & Janecek  
26 East Exchange Street  
St. Paul, MN 55101

**RE: Contract Between Lobbyist and Official**

**ADVISORY OPINION # 231**

**SUMMARY**

A contract for services is not a promise of future employment and payments made for services provided under a bona fide contract are not gifts under Minn. Stat. § 10A.071.

**FACTS**

As a registered lobbyist, you request an advisory opinion from the Ethical Practices Board based on the following facts.

1. You are the sole shareholder and officer of a corporation which intends to publish a book.
2. You want to have the corporation enter into contracts with various individuals who would be paid to research or write sections of the book.
3. Some of the individuals who would be contracted with are officials as defined in Minn. Stat. § 10A.071, Subd. 1(c).

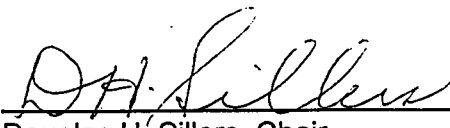
**ISSUE**

May a lobbyist enter into a contractual relationship with an official as an independent contractor and pay the official for research or writing services under the contract without violating Minn. Stat. §10A.071?

OPINION

Yes. A contract for services is not "a promise of future employment" and payments for services provided under a bona fide contract are not gifts under Minn. Stat. §10A.071.

Issued: 2/23/96

  
\_\_\_\_\_  
Douglas H. Sillers, Chair  
Ethical Practices Board

CITED STATUTES

**10A.071 CERTAIN GIFTS BY LOBBYISTS AND PRINCIPALS PROHIBITED.**

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 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:

- (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.