

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:

**Mr. Ronald B. Sieloff
Sieloff and Associates, P.A.
Suite 938 Minnesota Building
46 East Fourth Street
St. Paul, MN 55101**

RE: Gift to official of computer mouse pad

ADVISORY OPINION # 235

SUMMARY

A gift to an official requested by a lobbyist of a computer mouse pad described by the requester is exempt from the prohibition of Minn. Stat. § 10A.071 because it is of insignificant value.

FACTS

As a registered lobbyist and the owner of a law firm, you ask the Ethical Practices Board for an advisory opinion based on the following facts:

1. To promote your firm, you want to have the firm's name, address, and telephone number printed on a computer mouse pad along with promotional information and other data.
2. You want to distribute the mouse pad free to clients, prospective clients, selected members of the general public, and to legislators and legislative staff, persons who are defined as officials under Minn. Stat. §10A.071.
3. Your cost to produce and distribute the pad is approximately \$2.70 each.
4. Your estimate of the retail value of a mouse pad is \$3.00 to \$6.00 each.
5. You ask the Ethical Practices Board whether distribution of the mouse pad to officials would constitute a prohibited gift under Minn. Stat. §10A.071.

Issue

Is a gift to an official of a computer mouse pad which costs the giver \$2.70 exempt from the gift prohibitions of Minn. Stat. §10A.071?

Opinion

The gift of a mouse pad, as described in the request is exempt from the gift prohibitions of Minn. Stat. §10A.071 because it is a trinket or memento of insignificant value.

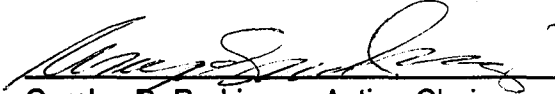
The gift in question is given by a law firm owned by a lobbyist. Because the lobbyist owns the law firm, the Board considers the gift to be a gift requested by a lobbyist. Thus, unless the gift falls under one of the exceptions provided in Minn. Stat. §10A.071, subd. 3, it is prohibited.

It is the Board's opinion that the only exception with application to the gift you contemplate is the exception for "a trinket of memento of insignificant value" found at Minn. Stat. §10A.071, subd. 3(a)5.

The value to be considered is the value of the gift to the receiver. The cost to produce the gift may be a factor in determining its value, but that cost is not conclusive. Estimates of the retail cost of a similar item are also a factor in determining the value of the gift. Other information readily available to the Board may also be considered. You estimate the retail cost of a similar mouse pad at \$3 to \$6. The Board has verified that the mouse pads available from three local retail outlets sell for between \$2 and \$4.97.

The Board finds that the gift is a trinket of insignificant value and falls within the exception for such gifts provided in Minn. Stat. §10A.071, subd. 3(a)5.

Issued: 4-26-96


Carolyn D. Rodriguez, Acting 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:

.....
(5) a trinket or memento of insignificant value;
.....