

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
Minnesota Political Press, Inc.
26 East Exchange Street, Suite 120
St. Paul, MN 55101**

RE: Gift to officials of guide to the Minnesota legislature

ADVISORY OPINION # 246

SUMMARY

A gift to officials by a lobbyist of a legislative directory falls within the exception to the gift prohibition as information to assist an official in the performance of official duties.

FACTS

As the representative of an association, you request an advisory opinion from the Ethical Practices Board (Board) based on the following facts:

- 1. You are the president and sole shareholder of Minnesota Political Press, Inc., a Minnesota corporation which publishes Politics in Minnesota: The Directory. The Directory is a comprehensive guide to the Minnesota Legislature.**
- 2. Minnesota Political Press, Inc. is not a lobbyist principal, however you are a lobbyist registered with the Board.**
- 3. The Directory is a 500-plus page guide which includes legislative district maps; profiles of districts including information about major employers and special district concerns; and demographic and voting information by district.**
- 4. The Directory also contains information about legislators, including election history; member addresses, committee assignments and other member information; and political analysis and key issue voting records of each legislator.**

5. The Directory also includes other general information about the legislature such as committee rosters; lists of committee staff members, lobbyists, and press corps members; frequently called numbers; and similar data.
6. The Directory includes advertising which, in part, supports the cost of its production and distribution. It will be sold to the public for \$19.95 per copy.
7. Minnesota Political Press, Inc. would like to give copies of The Directory free to members of the legislature and other officials as defined in Minn. Stat. § 10A.071, subd. 1(c).

ISSUE

Is the gift of a copy of The Directory to an official prohibited under Minn. Stat. § 10A.071?

OPINION


No. The Directory is a gift under Minn. Stat. § 10A.071, however it is not prohibited because it falls within the exception to the gift prohibition provided in Minn. Stat. § 10A.071, subd. 3(a)2.

Minn. Stat. § 10A.071, subd 3(a)2, provides that a gift is not prohibited if the gift is "services to assist an official in the performance of official duties. . .". The Board has included within this exception, the provision of informational materials. (See advisory opinions #156 and #204.) The materials you propose to provide are information which will assist an official in the performance of official duties and fall within the exception.

Minn. Stat. § 10A.071 governs only those gifts to officials which are given or requested by a lobbyist or a lobbyist principal. You state that Minnesota Political Press, Inc. is, itself, neither a lobbyist or a lobbyist principal. However, there may be situations where the relationship between a lobbyist and an association is so close that the acts of the lobbyist cannot be separated from those of the association. The facts of this request present such a situation making the proposed gift a gift from a lobbyist. (See also, revised advisory opinion #171.)

While not prohibited, the proposed gift must be reported as a gift from a lobbyist to an official. If it is not attributable to a particular entity you represent, it must be reported on your report of disbursements from personal funds.

Issued: 9-20-96



Carolyn D. Rodriguez, 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:

. . . .
(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;