

**ETHICAL PRACTICES BOARD**

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

**THE FOLLOWING PUBLICATION DOES NOT IDENTIFY  
THE REQUESTER OF THE ADVISORY OPINION, WHICH IS NONPUBLIC DATA**  
under Minn. Stat. § 10A.02, subd. 12(b) (1994 Minn. Laws, ch. 377, sec. 1)

**RE: Gift prohibition applied to legislative day activities**

**ADVISORY OPINION # 250**

**SUMMARY**

**Provision of complementary professional services to public officials at the request of a lobbyist principal is prohibited by Minn. Stat. § 10A.071.**

**FACTS**

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

1. The association is a lobbyist principal and you are one of the association's lobbyists.
2. The association is considering conducting a "Legislative Day" at the Capitol when the 1997 legislature is in session. The day would include meetings for association members, presentations and demonstrations to public officials and members of the public, and meetings between association members and their legislators.
3. As part of the legislative day, some of the association's members, who are not lobbyists themselves, may provide professional consultation services without charge to persons who are in the Capitol that day.

4. Currently these consultation services are not regularly available from association members or others in the profession. When they are available, the professionals are not generally reimbursed for providing these services.
5. Your association would like to see these consultation services become a part of the professional services recognized in the profession and to have those services compensated.

#### ISSUE

Is a gift to legislators or other officials of services in the form of professional consultation services in connection with a Legislative Day prohibited by Minn. Stat. § 10A.071?

#### OPINION

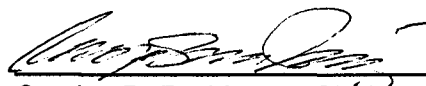
Yes, the gift of free services to legislators or other officials is a prohibited gift under Minn. Stat. § 10A.071. Minn. Stat. § 10A.071 prohibits gifts to officials requested by lobbyist principals unless the gift falls within one of the specific exceptions to the statute.

The association, a lobbyist principal, is responsible for organization of the legislative day during which its members will provide the services under consideration. Thus, the gift of services is a gift requested by a lobbyist principal. Among the intended receivers of the gift are legislators and legislative staff members; two groups which are included in the definition of "officials" in Minn. Stat. § 10A.071.

The association believes that the services have value and that it would be appropriate for professionals providing these services to clients to be reimbursed for them.

A gift of the described services does not fall within the exception to the gift prohibition found at Minn. Stat. § 10A.071, subd. 3(a)(3) for services of insignificant monetary value. No other exception applies to the described gift.

Issued: 10-25-96

  
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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:

. . . .

(3) services of insignificant monetary value;

. . . .