

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)

RE: Gift of informational audio tape to legislators

ADVISORY OPINION # 269

SUMMARY

A gift to legislators of an audio tape which costs \$1.50 to produce and will be available to the public for between \$4 and \$6 falls within the exception to the gift prohibitions of Minn. Stat. § 10A.071 because it is a gift of informational materials of unexceptional value.

FACTS

As the representative of an organization, you ask the Ethical Practices Board for an advisory opinion based on the following facts:

1. The organization you work for is a lobbyist principal which is involved in public policy matters. Among other activities, the organization conducts educational forums on issues which it believes may be relevant to matters before the Minnesota legislature.
2. The organization video tapes each forum for its own use. As a component of the video taping, an audio tape is also made.
3. From time to time the organization would like to duplicate the audio tape of a forum which it believes is relevant and distribute the tape without charge to all Minnesota legislators.

4. It will cost the organization approximately \$1.50 for each copy of an audio tape. It is your intention to deliver the tapes to the capitol so that there will be no cost for packaging or mailing.
5. The same company that will duplicate the tapes for the organization will also make them available to the public. The cost to the public will be between \$4 and \$6 per tape, depending on the number of people requesting a tape. This cost includes packaging and mailing.

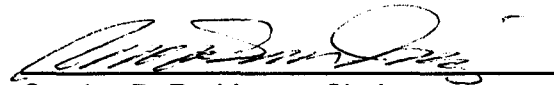
ISSUE

May the organization provide a free copy of an audio tape of one of its programs to a legislator without violating Minn. Stat. § 10A.071?

OPINION

Yes, the organization may provide the tapes to legislators without charge. Each tape is of unexceptional value and is, thus, exempt from the general gift prohibition pursuant to Minn. Stat. § 10A.071, subd. 3(a)(6).

Issued: 5-23-97


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:

.....
(6) informational material of unexceptional value
.....