

State of Minnesota
Campaign Finance & Public Disclosure 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 NON-PUBLIC DATA**
under Minn. Stat. § 10A.02, subd. 12(b)

RE: Gift of coffee mug to officials.

ADVISORY OPINION 337

SUMMARY

The gift of a coffee mug to members of the legislature and legislative staff meets the exemption in Minn. Stat. §10A.071, subd. 3 (a)(5), because it is an item of insignificant value.

FACTS

As a lobbyist, you ask the Campaign Finance and Public Disclosure Board (the Board) for an advisory opinion based on the following facts:

1. You represent a lobbyist principal, as defined in Minn. Stat. §10A.01, subd. 33.
2. The lobbyist principal wishes to give legislators and legislative staff a coffee mug inscribed with the principal's logo and website address.
3. The cost to the lobbyist principal to produce the coffee mug is approximately \$4.75. The estimated retail value of the mug is \$4.00 to \$6.00.

ISSUE

May a lobbyist principal provide a legislator or legislative staff with a coffee mug that has a retail value of approximately \$4 to \$6?


OPINION

Minn. Stat. §10A.071, subd. 3, provides limited exceptions to the general prohibition of gifts from lobbyists or lobbyist principals to public officials, employees of the legislature, and local officials of a metropolitan governmental unit (officials). In particular the statute provides that a lobbyist principal may provide a gift to officials if the gift is “a trinket or memento of insignificant value”.

The statute does not provide a set monetary value for determining if an item is “of insignificant value”. The value placed on the gift may vary significantly among recipients. The Board considers the cost of the gift to the giver, and its approximate retail value as relevant facts; but focuses on the likely value of the gift to the recipient. Based on the facts as provided in this request, the Board believes that the gift, a coffee mug, is not of “significant” value to the recipient. Therefore the Board finds that the coffee mug is a trinket of insignificant value and falls within the exception provided in Minn. Stat. §10A.071, subd. 3(a)(5).

Issued

1/25/02



Douglas A. Kelley, Chair

Campaign Finance and Public Disclosure Board

Cited Statutes and Rules

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 11;

(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.