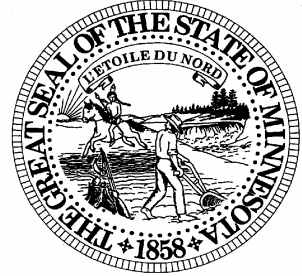


Minnesota

# *Campaign Finance and Public Disclosure Board*



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**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 Prohibition; Services to Assist in Performance of Official Duties**

## **ADVISORY OPINION 372**

### **SUMMARY**

Lobbyist-principals may provide training in the use of specialized equipment to officials to assist the officials in the performance of official duties. Lobbyist-principals may not provide food or drink without charge to the officials who receive the training.

### **FACTS**

As Counsel for an association that is a lobbyist principal with a lobbyist registered with the Campaign Finance and Public Disclosure Board, (the Board), you request an advisory opinion based on the following:

1. The association proposes to provide training sessions. Some of the individuals who attend the training will be subject to Minnesota Statutes, Chapter 10A. The association would rent conference space, select and pay speakers to provide the training, and give written materials to attendees.
2. The association intends to ask another association to co-sponsor the training. The second association would register attendees and provide food and drink to attendees.
3. The second association is also a lobbyist-principal and subject to the same limitations under Chapter 10A as the association that will provide the training.

## ISSUE ONE

Are the training sessions described above a violation of the gift prohibition provided by Minnesota Statutes, chapter 10A?

## OPINION ONE

No. The proposed training, including the written materials, is the provision of a service and property that falls within the definition of a "gift" as provided by Minn. Stat. §10A.071, subd. 1, paragraph (b), which would be prohibited unless allowed under an exception. A relevant exception is provided by Minn. Stat. §10A.071, subd. 3, clause (2), for "services to assist an official in the performance of official duties..."

## ISSUE TWO

May food and drink be given without payment to officials subject to Chapter 10A who attend the training sessions?

## OPINION TWO

No. The provision of food and drink is also a gift under Minn. Stat. §10A.071, subd.1, paragraph (b), and no exception is made for such a gift. A request from one lobbyist principal to another lobbyist principal to provide a gift of food or drink to officials is prohibited under Minn. Stat. §10A.071, subd. 2.

## NOTE

The Board notes that Minn. Stat. §471.895, prohibits local official from accepting gifts from individuals who are not lobbyists under certain circumstances. This statute is not under the Board's jurisdiction. You are advised to consult your own legal advisors with regard to its possible application to the facts you presented.

Issued December 15, 2005



Terri Ashmore, Chair  
Campaign Finance and Public Disclosure Board

## Cited Statutes and Administrative 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 costing \$5 or less;
- (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.