Minnesota

Campaign Finance and Public Disclosure Board



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)

SUMMARY

A presentation item that is in the form of a decorative axe is a plaque with a resale value of five dollars or less and, thus, is exempt from the gift prohibition of Minnesota Statutes Section 10A.071.

FACTS

As the representative of a public official, you ask the Campaign Finance and Public Disclosure Board ("Board") for an advisory opinion based on the following facts.

- 1. The Minnesota Fire Chiefs Association, a lobbyist principal, periodically presents public officials and others with a "Distinguished Service Award".
- This award is memorialized by a plaque in the form of an engraved fire axe.
- 3. The axe has mounted on its face an engraved fire badge medallion. The badge medallion is engraved with the name of the recipient.
- 4. An engraved plate memorializing the reason for the award is attached to the handle of the axe with small nails.
- 5. The requester believes that the item is useless except as decoration and that it has value only to the recipient as a commendation.

QUESTION

Based on the stated facts, you ask whether the official may accept a gift of the axe under the exception to Minnesota's gift prohibition for "a plaque with a resale value of \$5 or less"?

OPINION

In Advisory Opinion 245, the Board addressed the question of whether this particular item falls within the definition of a "plaque" and concluded that it did. The statutes and administrative rules governing what constitutes a plaque have not changed since the issuance of Advisory Opinion 245. On this basis, the Board concludes that the item is a "plaque".

The statute in effect at the time Advisory Opinion 245 was issued did not place a dollar value limit on plaques that may be accepted. The current statute limits plaques to those having a resale value of five dollars or less. Thus, the question before the Board is whether the item described in the request has a resale value of five dollars or less.

To make a more accurate determination of the value of the item, Board staff learned from authoritative sources that the "axe" is not an actual axe. It is an item specifically manufactured as a presentation item. The head of the "axe" is bronze and includes a medallion in the shape of a fire badge which is cast as part of the head. The item could not be used as an actual axe and has no resale value as an actual fire axe.

Based on the facts provided by Requester and the supplemental information obtained by the by staff, the Board concludes that the presentation "axe" is a decorative item that is engraved to make it unique to the person to whom it is given; that it has no use other than as a commemorative item; and that it has no "resale value" within the meaning of Minnesota Statutes Section 10A.071, subd. 3(4). Thus, the presentation axe is an item which falls within the gift prohibition exception for plaques.

Issued December 9, 2010

/s/ John Scanlon

John Scanlon, Vice Chair

Campaign Finance and Public Disclosure Board

RELEVANT STATUTES AND RULES

MINNESOTA 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, a judge, 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:
 - (4) a plaque with a resale value of \$5 or less;

MINNESOTA RULES

4512.0100 DEFINITIONS.

Subpart 1. **Scope**. The definitions in this part apply to this chapter and Minnesota Statutes, section 10A.071. The definitions in chapter 4501 and in Minnesota Statutes, chapter 10A, apply to this chapter.

. . .

Subp. 5. **Plaque or similar memento**. "Plaque or similar memento" means a decorative item with an inscription recognizing an individual for an accomplishment.